



TO COUNCILLOR:

E R Barr
L A Bentley
Miss A R Bond
G A Boulter
J W Boyce
Mrs L M Broadley
F S Broadley
D M Carter (Mayor)
Mrs K M Chalk

Miss M V Chamberlain
M H Charlesworth
M L Darr
B Dave
R F Eaton
Mrs L Eaton JP (Deputy Mayor)
D A Gamble
Mrs S Z Haq
J Kaufman

Mrs L Kaufman
Dr T K Khong
Mrs H E Loydall
K J Loydall JP
Mrs S B Morris
R E R Morris
R H Thakor

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **FULL COUNCIL** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 16 APRIL 2019** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
08 April 2019

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Calling to Order of the Meeting	
	The meeting of the Council will be called to order to receive His Worship The Mayor and Deputy Mayor.	
2.	Apologies for Absence	
3.	Declarations of Interest	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Minutes of the Previous Meeting	1 - 7
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
5.	Action List Arising from the Previous Meeting	



There was no Action List arising from the previous meeting.

6. Motions on Notice

To consider any Motions on Notice in accordance with Rule 12 of Part 4 of the Constitution.

7. Petitions, Deputations and Questions

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution and to answer any Questions by the Public or Members in accordance with Rules 10 and 11 of Part 4 of the Constitution respectively.

8. Mayor's Announcements

a) List of Official Mayoral / Deputy Mayoral Engagements **8 - 15**

9. Leader's Statement

10. Approval and Adoption of Revised Council Constitution (April 2019) **16 - 339**

Report of the Senior Democratic Services Officer / Legal Officer

11. Scheme of Members' Allowances (2019/20) **340 - 355**

Report of the Independent Remuneration Panel

12. Treasury Management Policy and Strategies (2019/20) **356 - 404**

Report of the Head of Finance, Revenues & Benefits

13. Approval and Adoption of New Local Plan (April 2019) **405 - 577**

Report of the Planning Policy Team Leader

14. Approval and Adoption of Supplementary Planning Documents (SPD) and Statement of Community Involvement (SCI) (April 2019) **578 - 789**

Report of the Planning Policy Team Leader

15. Housing Tenancy Agreement (April 2019) **790 - 830**

Report of the Housing Services Manager

16. Member Conduct Update (April 2019) **831 - 835**

Report of the Democratic & Electoral Services Manager /
Deputy Monitoring Officer

For more information, please contact:

Democratic Services

Oadby and Wigston Borough Council
Council Offices
Station Road, Wigston
Leicestershire
LE18 2DR

t: (0116) 257 2775

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Agenda Item 4

**MINUTES OF THE MEETING OF THE FULL COUNCIL HELD AT THE COUNCIL OFFICES,
STATION ROAD, WIGSTON ON THURSDAY, 21 FEBRUARY 2019
COMMENCING AT 7.00 PM**

PRESENT

Councillor David M Carter (Mayor)
Councillor Mrs Lynda Eaton JP (Deputy Mayor)

COUNCILLORS

E R Barr
L A Bentley
G A Boulter
J W Boyce (Leader of the Council)
Mrs L M Broadley
F S Broadley
M H Charlesworth (Deputy Leader of the Council)
M L Darr
B Dave (Leader of the Opposition)
R F Eaton
D A Gamble
Mrs S Z Haq
J Kaufman
Mrs L Kaufman
Mrs H E Loydall
K J Loydall JP
Mrs S B Morris
R E R Morris

OFFICERS IN ATTENDANCE

Mrs A E Court (Chief Executive)
D M Gill (Head of Law & Governance / Monitoring Officer)
S Hinds (Director of Finance & Transformation / Section 151 Officer)
Ms K Pollard (Head of People & Performance)
C Raymakers (Head of Finance, Revenues & Benefits)
S Tucker (Democratic & Electoral Services Manager)

68. CALLING TO ORDER OF THE MEETING

The meeting of the Council was called to order to receive His Worship The Mayor and Deputy Mayor.

The meeting was led in prayer by the Reverend to the Mayor.

69. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Miss A R Bond, Mrs K M Chalk, Mrs S Z Haq, Dr T K Khong and R H Thakor.

70. DECLARATIONS OF INTEREST

None.

71. MINUTES OF THE PREVIOUS MEETING

Full Council (Council Tax & Budget Setting)

Thursday, 21 February 2019

Page 1

Mayor's

Initials

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Council held on Tuesday, 11 December 2018 be taken as read, confirmed and signed.

72. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The absence of any actions arising from the previous meeting of the Council held on Tuesday, 11 December 2018 be noted.

73. MOTIONS ON NOTICE

None.

74. PETITIONS, DEPUTATIONS AND QUESTIONS

None.

75. MAYOR'S ANNOUNCEMENTS

75a. LIST OF OFFICIAL MAYORAL / DEPUTY MAYORAL ENGAGEMENTS

By affirmation of the meeting, it was:

UNANIMOUSLY RESOLVED THAT:

The list of Official Engagements attended by The Mayor and/or Deputy Mayor be noted.

In accordance with Rule 7.2 of Part 4 of the Constitution, the Mayor moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The order of business be altered accordingly.

76. MEDIUM-TERM FINANCIAL STRATEGY AND BUDGET (2019/20)

The Council gave consideration to report (as set out on pages 13-35 of the agenda) which asked it to approve the Medium-Term Financial Strategy and Budget for 2019/20.

The Chair of the Policy, Finance and Development Committee, Councillor Mrs S B Morris, introduced the report and advised that the Council was proposing a balanced budget for the final year of the government's current multi-year settlement.

It was acknowledged that the future remained the Council's biggest uncertainty, with no clarity at the current time as to how central government proposes to fund local

government in the years ahead. For example, it was not known how the review into fairer funding will affect the Council, nor how the new business rate retention scheme will be implemented post 2020.

Overall, it was concluded that the Council is in a stable financial position although there remained significant challenges, and further work would need to be done to reduce the Council's costs and increase its income streams to ensure high quality services could continue to be delivered.

It was moved by Councillor Mrs S B Morris, seconded by the Deputy Leader of the Council and

RESOLVED THAT:

- (i) That Council approves the Medium-Term Financial Strategy and Budget for 2019/2020 (as set out in the report and at Appendix 1);**
- (ii) That Council approve the levels of reserves (as set out at paragraph 7 of the report);**
- (iii) That Council approves the Capital Programme (as set out in Appendix 2);**
- (iv) That the Housing Revenue Account estimates for 2019/20 be approved (as set out in Appendix 3); and**
- (v) That Council approves a decrease of 1% in housing rents and increases in other charges of 3.2% (as set out in Appendix 2).**

Votes For	17
Votes Against	2
Abstentions	0

77. COUNCIL TAX SETTING (2019/20)

The Council gave consideration to the report (as set out on pages 36-40 of the agenda) which asked it to set and approve the amount of Council Tax for the Borough for 2019/20.

It was moved by Councillor Mrs S B Morris, seconded by the Deputy Leader of the Council and

RESOLVED THAT:

- (i) It be noted that under powers delegated to the Chief Financial Officer, the Council has calculated the amount of 17,423.2 as its Council Tax base for the financial year 2019/20 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.**
- (ii) It be noted that the Council Tax requirement for the Council's own purposes for 2019/20 is £3,911,508.**
- (iii) The following amounts be calculated by the Council for the year 2019/20 in accordance with sections 30 to 36 of the Local Government Finance Act 1992 (as amended):**
 - (a) £19,114,596 being the aggregate of the amounts which the Council estimates for the items set out in section 31A(2) of the Act.**
 - (b) £15,203,088 being the aggregate of the amounts which the Council**

estimates for the items set out in section 31A(3) of the Act.

- (c) **£3,911,508** being the amount by which the aggregate at (iii)(a) above exceeds the aggregate at (iii)(b) above, calculated by the Council, in accordance with section 31A (4) of the Act, as its Council Tax Requirement for the year.
- (d) **£224.50** being the amount at (iii)(c) divided by the amount at A above, calculated by the Council, in accordance with section 31B of the Act, as the basic amount of its Council Tax for the year.
- (e) **Valuation Bands**

A	B	C	D
£	£	£	£
149.67	174.61	199.56	224.50

E	F	G	H
£	£	£	£
274.39	324.28	374.17	449.00

Being the amounts given by multiplying the amount at (iii)(d) above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with section 36(1) of the Act, as the amount to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (iv) It is noted that for the year 2019/20, Police and Crime Commissioner for Leicester and Leicestershire, and the Leicester, Leicestershire and Rutland Combined Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories shown below and that Leicestershire County Council have indicated that their provisional precept will be confirmed on 20 February 2019.

Precepting Authorities - Valuation Bands

Leicestershire County Council			
A	B	C	D
£	£	£	£
861.45	1,005.03	1,148.61	1,292.18
E	F	G	H
£	£	£	£
1,579.33	1,866.48	2,153.64	2,584.36

Police and Crime Commissioner for Leicester and Leicestershire			
A	B	C	D
£	£	£	£
148.82	173.62	198.43	223.23
E	F	G	H
£	£	£	£
272.84	322.44	372.05	446.46

Leicester, Leicestershire and Rutland Combined Fire Authority			
A	B	C	D
£	£	£	£
44.43	51.83	59.24	66.64
E	F	G	H
£	£	£	£
81.45	96.26	111.07	133.28

- (v) That having calculated the aggregate in each case of the amounts at (iii)(e) and (iv) above, the Council, in accordance with section 30(2) of the Local Government Finance Act 1992, set the following amounts as the amounts of Council Tax for the year 2019/20 for each of the categories of dwellings shown below.

Valuation Bands

A	B	C	D
£	£	£	£
1,204.37	1,405.09	1,605.84	1,806.55

E	F	G	H
£	£	£	£
2,208.01	2,609.46	3,010.93	3,613.10

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the names of the persons who casted a vote for the motion or against the motion or who abstained from voting were recorded as follows:

Votes For (17)	Votes Against (2)	Abstentions (0)
L A Bentley	E R Barr	
G A Boulter	B Dave	
J W Boyce		

Mrs L M Broadley		
F S Broadley		
D M Carter		
M H Charlesworth		
M L Darr		
R F Eaton		
Mrs L Eaton		
D A Gamble		
J Kaufman		
Mrs L Kaufman		
Mrs H E Loydall		
K J Loydall JP		
Mrs S B Morris		
R E R Morris		

78. PAY POLICY STATEMENT (2019/20)

The Council gave consideration to the report as set out on pages 41-52 of the agenda, which asked it to approve the Pay Policy Statement for 2019/20 and the continued commitment to paying the Real Living Wage.

It was noted that earlier in the month the latest Gender Pay Gap figures had been published by those organisations required under legislation to do so by virtue of having 250 or more employees. Whilst the size of Oadby & Wigston Borough Council’s workforce meant that the Authority fell below the statutory threshold of being required to report the Pay Gap, the Leader of the Council requested that the figures for the Authority be calculated and included within the 2020/21 Pay Policy Statement. The Head of People & Performance confirmed that the Council does calculate its Gender Pay Gap and has previously reported it to the Policy, Finance and Development Committee, but undertook to also include it in next year’s annual Statement.

It was moved by the Leader of the Council, seconded by K J Loydall JP and

UNANIMOUSLY RESOLVED THAT:

- (i) The Pay Policy Statement for 2019/20 be approved; and**
- (ii) The Council’s continued commitment to paying the Real Living Wage be approved.**

79. LEADER'S STATEMENT

The Leader of the Council presented a Statement outlining his recent work, the administration’s plans and an overview of recent decisions taken since the previous meeting of the Council.

THE MEETING CLOSED AT 7.45 PM



Mayor

Tuesday, 16 April 2019

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Events attended by the Mayor (May 2018 – April 2019)

MAY 2018

20	Royal Air Force	Celebrate RAF 100 Parade & Service
22	1st Oadby Girl Guides	Award Evening
24	Leicester Children's Holiday Centre	Gala Drinks & Reception

JUNE 2018

7	Lady Gretton	Final Fling
9	Oadby Wigston Swimming Club	OWSC Mayors Swimming Gala
11	1st Oadby Boy's Brigade	Awards Evening
20	OWBC	Forryan Brothers Memorial
21	Leicester Community Concert Band	Music Concert
21	Wigston Academy	School Council
21	Lord Mayor of Leicester	Civic Service
23	Leicestershire County Council	Armed Forces Day Parade
24	Bishop of Leicester	Summer Garden Party
24	Oadby & Wigston Lions	Bardi Concert
25	O&W Lions Club	Presentation Night
26	Wigston Academy	Student Awards Evening

JULY 2018

4	Wigston College	Summer Madness Performance
11	Midlands in Bloom	Peace Memorial Park
11	Muslim School	Awards Evening
12	Rutland High Sheriff	Rutland Water Cruise
17	University of Leicester	Summer Degree Concert , De Montfort Hall
19	High Sheriff of Leicester Race Day	Leicester Racecourse
19	Leicester & Rutland Heritage Forum	Heritage Awards, Coalville
21	University of Leicester	Summer Celebration, Knighton Hall
23	Age UK	Glamorous Grandma Competition
24	Deli France UK	Business Open Day
26	Leicester CC Chairman	Summer Evening at Beaumanor Hall

AUGUST 2018

4	OWBC	WW1 Memorial Bench Dedication
4	Aylestone Lane Allotment Association	Allotment Day
10	Blaby DC	Chairman's Twilight Walk
29	OWBC	WW1 Bench Dedication Ellis Park

SEPTEMBER 2018

3	OWBC	Merchant Navy Flag Day
7	Harborough DC	Chairman's Charity Lunch
7	Manor High School	50th Celebrations
8	Framework Knitters Museum	Sock Day
8	Colin Robertson	Pinfold Opening
8	Wigston Magna Methodist Church	Wigston Manga Show
12	ABF Soldiers Charity	Sounding Retreat Ceremony
15	Lady Mayoress	Coffee Morning
15	Leicester Children's Holidays	Civic Lunch
16	Royal Air Forces Association	Battle of Britain Memorial Service
17	Leicestershire CC Chairman	Charity Curry Evening
19	Mayor Charnwood	Civic Service
20	Curtis Weston House	Residents 100th Birthday
21	Blaby DC	Chairman's At home Welcome
27	Lidl Stores	Opening of new store in Wigston
29	Sikh Welfare & Cultural Society	Multi Faith RAF 100 event

OCTOBER 2018

1	OWBC	Recycling Competition Winner
4	Pride of the Borough	Awards Evening
5	Cedar Court Care Home	Harvest Festival
6	Royal Air Force Air Cadets	Annual Dining in Night
7	Leicestershire County Council	County Service @ Cathedral
7	Melton BC	Civic Service

11	Rural Community Council	Rural Achievement Awards
12	Leicester Grammar School	Foundation Day Service
12	O&W Hindu Community	Navrati Celebrations
13	Wigston Civic Society	40th Anniversary Reception
23	Magistrates Association	Autumn Event & AGM
28	Oadby & Wigston Lions	Charter Lunch
29	Leicester Cathedral	That they may have life

NOVEMBER 2018

2	Gateway Club	Make a Guy competition
3	Leicester Progressive Jewish Community	Memorial Service
4	Blaby DC	Civic Service
6	OWBC	Remembrance Shop Front Window Competition
9	Thythorn Field Primary School	Remembrance Assembly
10	Oadby Town Centre Association (Chris Swan)	Oadby Festive Lights Switch on
10	Alderman Duncan Lucas	WW1 concert
11	Oadby Royal British Legion	Remembrance Sunday Parade
11	Dean of Leicester	Remembrance Service
11	OWBC	Lighting of Beacon
12	Locality Manager - Leicester County Council	Tea and Cake (Library 10 Year Anniversary on The Parade)
13	Leicestershire Police	Intercultural Evening
15	OWBC	Inter Faith Week
17	Brocks Hill	Christmas Craft Fair
17	Leicester Festival of Music and Drama	Annual Festival
18	SSAFA	President's Luncheon
20	Warning Zone	Children's Life Skill Centre Visit
21	O&W 2018 Awards Evening	Parklands Leisure Centre
24	AV Innovate Ltd	2018 Charity Box Appeal
24	Oadby & Wigston Lions	Oadby Christmas Light Switch on
25	Hinckley & Bosworth	Civic Carol Service
27	OWBC	Remembrance Service Shop Window Awards

DECEMBER 2018

1	South Wigston Chamber of Trade	Christmas Capers
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2 O&W Fundraising Group Marie Curie
 3 Royal Mail Group
 3 LOROS
 4 Richard III Centre
 5 Wigston Academy
 6 Lord Mayor Leicester
 8 University of Leicester
 9 Harborough DC
 11 Senior Citizens Action Group
 13 Bluebird Care
 13 Blaby DC
 15 South Wigston Chamber of Trade
 15 Salvation Army
 18 NW Leicestershire
 19 Leicester Community Concert Band

Lights to Remember
 Visit local sorting office
 Christmas Concert
 Drinks reception
 Christmas Concert
 Christmas Concert
 Christmas Drinks Reception
 Civic Carol Service
 Christmas Concert
 Launch of Homecare Service
 Christmas Carol Service
 Over 60's Christmas Dinner
 Christmas Event
 Chairman's Civic Carol Service
 Christmas Concert

JANUARY 2019

Page 11

23 Hinckley & Bosworth Mayor
 27 Leicester HMD Committee
 28 OWBC

Beauty & The Beast Pantomime
 Holocaust Memorial
 Holocaust Memorial

FEBRUARY 2019

1 Wickes
 7 Rotary Club of Oadby
 7 Blaby BC
 15 University of Leicester
 19 Blaby District Council

Open of new store in Wigston
 Talk at their lunch
 Chairman's Charity Quiz & Nibbles
 Annual Court Meeting
 Chairman's Charity Curry Night

MARCH 2019

1 Leicester University
 2 Lord Mayor's
 3 Rotary Club of Oadby
 3 Oadby & Wigston Muslim Association

Visit to Labs
 Spring Ball
 Swimathon
 Visit my Mosque Day

6	Wigston Academy	Beauty and the Beast
8	Melton BC	Civic Dinner
12	OBC Fellowship	Weekly meeting
12	Harborough DC	Civic Dinner
14	Hinckley & Bosworth	Civic Service
15	Leicestershire Fire & Rescue	Engagement Morning
16	Hinckley & Bosworth	Charity Fundraiser
21	Blaby District Council	Chairman's Civic Dinner
22	Leicestershire & Rutland Sport	School Games Championships
28	Leicestershire County Council Chairman	Charity Dinner in aid of COPS

APRIL 2019

5	NW Leicestershire	Chairman's Charity Dinner
8	Rotary Club of Wigston	Weekly Meeting - Speech
11	Hinckley & Bosworth	Mayor's Civic Dinner
13	Leicestershire Royal Society of St George	St Georges Dinner
14	Progressive Jewish Congregation	Opening of Extension
17	Leicestershire CC	Castle House Dinner
23	Jan Bryars	Oadby Remembers Book
29	University of Leicester	Exchange Knowledge Workshop

Events attended by the Deputy Mayor (May 2018 – April 2019)

MAY 2018

19 The Royal Yeomanry Frezenberg Dinner

JUNE 2018

4 Harborough DC Thanksgiving Event
11 28th Leicester Scout Group Annual Summer Fete
18 Leicestershire CC 30th Anniversary Celebrations Schuan
22 DICE The Enemy Within?

JULY 2018

1 Wigston Magna Dog Training Club Summer Dog Show
2 Leicestershire Scouts AGM
4 Parklands Leisure Centre South Leicestershire School Sports Awards
6 Thythorn Field Primary School Presentation Assembly
10 Wigston College Students Awards Evening
12 Headway Brain Injury Association Opening new shop in Wigston

AUGUST 2018

8 Harborough Chairman 100 Years Women's vote
9 Girlguiding Escape Camp VIP Day
18 Leicestershire CC Chairman's Charity Brass Band Concert
26 ABF & Lord Lieutenant Family Day Hog Roast Luncheon

OCTOBER 2018

4 KUKU Connect Annual Birthday Reception
6 O&W Lions Annual Sponsored Swim
20 Mayor Hinckley & Bosworth Charity Luncheon
20 The Royal Society of St George Trafalgar Dinner
23 Sea Cadets Royal Navy Parade

27	Royal British Legion	Festival of Remembrance
28	High Sheriff Leicester	Justice Service
31	Wigston Academy	Dance Showcase

NOVEMBER 2018

3	Severn Pharmacy	Grand opening of new pharmacy
3	All Saints Church	Armistice Commemoration Evening Concert
4	Leicestershire Rugby Union	Memorial Rugby Match
11	St Thomas Church	Remembrance Sunday Service (Cllr Samia Haq)
11	OWBC	Remembrance Sunday Parade
26	North Warwickshire & Leicestershire College	Annual Awards Ceremony

DECEMBER 2018

1	O&W Scout & Guide Band	Christmas Concert
2	Mr Terry Toone	Light's Switch on at Home
4	OWBC	CE Forum Disability Confident Event
6	Melton BC	Candles by Candlelight
7	Menphys	Carol Concert
19	OWBC	Christmas Concert

JANUARY 2019

25	Brookside Primary School, Oadby (Kevin Loydall)	Award Presentation
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FEBRUARY 2019

4	All Saints Primary School	Wings of Peace Memorial Service
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MARCH 2019

13	Women in Philanthropy Steering Group	Film Evening
14	Leics & Rutland Magistrates Association	Spring Conference
16	Wigston Magna Methodist Church	Bicentenary dinner

30 Senior Citizens Action Group

Spring Concert

APRIL 2019

4 Soar Valley Press

New Production Zone

Agenda Item 10



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Approval and Adoption of Revised Council Constitution (April 2019)**

Report Author(s): **Samuel Ball (Senior Democratic Services Officer / Legal Officer)**

Purpose of Report:	To seek Council's final approval and adoption of the revised Constitution of the Borough Council of Oadby and Wigston ("the Revised Constitution") with effect from the start of the 2019/20 municipal year marked by the Annual General Meeting (AGM) on Tuesday, 14 May 2019.
Report Summary:	<p>The Constitutional Working Group (CWG) has now fulfilled its remit by updating and revising the Council's Constitution in a process spanning the previous 18-months. The CWG reported its final recommendations to the Change Management Committee ("the Committee") at its meeting on 15 January 2019 which, following consideration of those final recommendations, has culminated in a Revised Constitution which the Committee commends to Council for its final approval and adoption, subject to the inclusion and/or revision of the constitutional provisions as set out in paragraphs 3 to 5 of and appendices 2 to 8 to this report.</p> <p>Whilst the vast majority of the provisions contained within the Revised Constitution have been agreed and are not in contention, two notable provisions have attracted a divergence of opinion between Officers and Members upon which neither the CWG or, in turn, the Committee have been able to reach a formative recommendation. These provisions in contention have therefore been referred to Council for it to make the final decision on their inclusion respectively and are specially set out in paragraph 4 of and appendices 7 and 8 to this report.</p>
Recommendation(s):	<p>A. That the Revised Constitution of the Borough Council of Oadby and Wigston (as set out in Appendix 1 to and available to inspect through the means as described at paragraph 2.4 of the report) be approved and adopted by Council with effect from 14 May 2019;</p> <p>B. That Council resolves to include the constitutional provisions not in contention (as set out at paragraph 3 of and appendices 2 to 6 to the report) for respective inclusion within the Revised Constitution;</p> <p>C. That Council resolves upon its preferred version of those constitutional provisions in contention (as set out at paragraph 4 of and appendices 7 to 8 to the report) for respective inclusion within the Revised Constitution; and</p> <p>D. Delegated authority be granted to the Head of Law & Governance / Monitoring Officer to amend the Revised Constitution so to reflect the changes arising from the recently approved Corporate Plan (2019-2024) and the Council's new Management and Departmental Structure (as set out at paragraph 5 of the report).</p>

Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Anne Court (Chief Executive / Head of Paid Service) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Steven Tucker (Democratic & Electoral Services Manager) (0116) 257 2605 steven.tucker@oadby-wigston.gov.uk</p> <p>Samuel Ball (Senior Democratic Services Officer / Legal Officer) (0116) 257 2643 samuel.ball@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)</p>
Vision and Values:	<p>“A Strong Borough Together” (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)</p>
Report Implications:-	
Legal:	<p>An up-to-date constitution which is fit for purpose, meets contemporary needs and accords with accepted principles of good governance minimises the risk of Council-decisions being challenged and promotes the expedient and expeditious transaction of Council-business.</p>
Financial:	<p>The constitutional provisions in relation to the Financial Procedure Rules meets contemporary needs and accords with accepted principles of prudent financial regulation and promotes the expedient and expeditious transaction of the Council’s financial affairs.</p>
Corporate Risk Management:	<p>Political Dynamics (CR3) Regulatory Governance (CR6) Organisational / Transformational Change (CR8)</p>
Equalities and Equalities Assessment (EA):	<p>There are no implications arising from the report. EA not applicable.</p>
Human Rights:	<p>There are no implications arising from the report.</p>
Health and Safety:	<p>There are no implications arising from the report.</p>
Statutory Officers’ Comments:-	
Head of Paid Service:	<p>The report is satisfactory.</p>
Chief Finance Officer:	<p>The report is satisfactory.</p>

Monitoring Officer:	The report is satisfactory.
Consultees:	All Elected-Members Senior Management Team (SMT) Constitutional Working Group Change Management Committee
Background Papers:	Report entitled 'Review and Amendment of the Council's Constitution (April 2018)', to Full Council, 24 April 2018 Report entitled 'Update on the Progress of the Constitutional Work Group (July 2018) to Change Management Committee, 24 July 2018 Full Proposed Draft Constitution (Circulated in Mid-December 2018) Report entitled 'Review of the Council's Constitution Update (January 2019)' to Change Management Committee, 15 January 2019 Minutes of the Change Management Committee, 15 January 2019 (Min. Ref. 16 – 'Review of the Council's Constitution Update' etc.) Corporate Plan (2019-2024) (as approved and adopted by the Policy, Finance and Development Committee, 26 March 2019)
Appendices:	<ol style="list-style-type: none"> 1. Revised Constitution (April 2019) (see paragraph 2.4 of the report) 2. The Leader of the Council (Article 2, Para. 2.9.2) 3. Responsibility for Functions & Bodies (Part 3, Paras. 4-15 & Art. 7) 4. Council Procedure Rules, Quorum (Part 4, Rule 7.1) 5. Financial Procedure Rules (Part 4, Paras. 5.2 and 7.3) 6. Members' Substitute Scheme (Part 4, Para. 4.5) 7. Council Procedure Rules, No Speeches until Motion Seconded and Application to Committees etc. (Part 4, Rule 16.1 & 25) 8. Members' Substitute Scheme (Part 4, Para. 3)

1. Background

- 1.1 The Constitutional Working Group (CWG) in partnership with Officers has now fulfilled its remit by updating and revising the Council's Constitution in a process spanning the previous 18-months comprising of five meetings held between February 2018 and January 2019.
- 1.2 At its last meeting on 8 January 2019, the CWG was asked to consider the feedback received from all Members following the circulation of a full proposed draft Constitution ("the Draft Constitution") in mid-December 2018 and to make final recommendations in terms of updates and revisions to the Change Management Committee ("the Committee").
- 1.3 The CWG reported its final recommendations to the Change Management Committee ("the Committee") at its meeting on 15 January 2019 which, following consideration of those final recommendations, has culminated in the Revised Constitution which the Committee now commends to Council for its final approval and adoption subject to the ensuing paragraphs.

2. The Revised Constitution

- 2.1 The Revised Constitution is set out at **Appendix 1** (see paragraph 2.4 below).
- 2.2 The Revised Constitution reproduces the content of the Draft Constitution as circulated to all Members in mid-December 2018 and as was considered by the CWG and the Committee.
- 2.3 The Revised Constitution contains the following updated and revised parts:

Part No.	Title	Page No.
Part 1	Summary & Explanation	1 - 6
Part 2	Articles of the Constitution	7 - 40
Part 3	Responsibility for Functions	41 - 90
Part 4	Rules of Procedure	91 - 190
Part 5	Codes and Protocols	191 - 294
Part 6	Members' Allowances Scheme	295 - 302
Part 7	Committee Structure	303 -304
Part 8	Management & Departmental Structure	305 - 306

2.4 As the Revised Constitution is a substantially large document to reproduce, it has not been physically annexed as a hard-copy to this report. Alternatively, a copy of the Revised Constitution will be (has been) made available by Democratic Services for inspection:

- 2.4.1 at the Council Offices during ordinary business hours (9:00 am - 5:00 pm) 5-clear working days before the Full Council meeting on 16 April 2019 (by 8 April 2019);
- 2.4.2 on the [Council's website](#) and via the [modern.gov app](#) (as part of the electronic agenda reports pack) 5-clear working days before the Full Council meeting;
- 2.4.3 at the Full Council meeting itself on 16 April 2019; and
- 2.4.4 by reference to the individual copies of the Draft Constitution as circulated to all Members in mid-December 2018 and/or the copy deposited in the Members' Room (Room 104) at the Council Offices (Members only).

2.5 **Recommendation A** recommends that the Revised Constitution be approved and adopted by Council with effect from the 14 May 2019, subject to the inclusion/non-inclusion of the constitutional provisions set out in the ensuing paragraphs of this report which either:

- 2.5.1 have arisen after the circulation of the Draft Constitution at the suggestion of the Leader of the Council and/or the Senior Management Team (SMT) **-or-** have not attracted a divergence of opinion between Officers and Members and are not considered to be in contention ("the Non-Contentions Provisions"); and
- 2.5.2 have attracted a divergence of opinion between Officers and Members upon which neither the CWG or, in turn, the Committee have been able to reach a formative recommendation and therefore have been referred to Council for it to make the final decision thereon ("the Contentious Provisions").

3. The Non-Contentious Provisions

3.1 Article 2, Para. 2.9.2 – The Leader of the Council (pg. 14)

3.1.1 An additional sub-provision be included to empower the Leader of the Council to take urgent action, including the authorisation and incurrence of expenditure, in order to promote, protect or defend the reputation of the Council accordingly.

3.1.2 This additional sub-provision is set in full out at **Appendix 2**.

3.2 Part 3, Paras. 4 - 15 - Responsibility for Functions (pg. 51 - 68) & Article 7, Para. 7.1 - Bodies Directly Facilitated by the Council etc. (pg. 22)

3.2.1 The Membership numbers for (i) committees, sub-committees, panels, and working

groups appointed by the Council; and (ii) outside and partnership bodies directly facilitated by the Council be fixed as they currently subsist as of 2018/19.

3.2.2 These numbers (including quorum) are reproduced in full at **Appendix 3**.

3.3 **Part 4, Rule 7.1 – Council Procedure Rules, Quorum (pg. 97)**

3.3.1 The provision be amended to increase the quorum of meetings from one-quarter ($\frac{1}{4}$) to one-third ($\frac{1}{3}$) of the whole number of Members having the right to vote, with a three-Member baseline remaining so not to affect ad-hoc sub-committees.

3.3.2 This revised provision is set in full out at **Appendix 4**.

3.4 **Part 4 - Financial Procedure Rules, Para. 5.2 and 7.3 (pg. 130 and 134)**

3.4.1 The rules relating to 'Supplementary Estimates' (para. 5.2, pg. 130) and 'Virements Authorisation Limits' (para. 7.3, pg. 134) be revised accordingly.

3.4.2 The revised rules are set in full out at **Appendix 5**.

3.5 **Part 4 - Members' Substitute Scheme, Para. 4.5 – Attendance (pg. 188)**

3.5.1 The provision be amended requiring notice of a substitution being received by Democratic Services from no later than 5:00 pm before the last clear working day before the meeting to 12:00 pm (mid-day) on the day of the meeting, with the 'illness and other circumstances' provision at para. 4.6 remaining unchanged.

3.5.2 This revised provision is set in full out at **Appendix 6**.

3.6 **Recommendation B** recommends that Council resolves the non-contentious provisions for respective inclusion within the Revised Constitution.

4. The Contentious Provisions

4.1 **Part 4, Council Procedure Rules, Rule 16.1 – No Speeches until Motion Seconded & Rule 25 – Application to Committees and Sub-Committees (pgs. 105 and 111)**

4.1.1 A summary of the differing opinions between Officers and Members is as follows:

Officers	Members
<p>Officers recommend the retention of the provision within the existing Constitution (i.e. that no speeches should be made until a motion is on the table).</p> <p>This is recommended on the grounds that the principles of good governance, best practice, case-law, statutory guidance and the constitutions of other local authorities consistently advocate this approach as an example of good administration, thereby avoiding the risk of decisions being challenged on procedural grounds.</p>	<p>Members opine that although this provision has existed within the Council's Constitution for a number of years, it has seldom been applied in practice and, to the best of their knowledge, is not enforced at other local authorities.</p> <p>Members instead are of the view that committees should be able to hold a free debate, from which it was anticipated that a substantive motion will arise.</p> <p>Members feel that this would resolve the</p>

Officers (Cont'd)	Members (Cont'd)
<p>This approach also allows the Chair of a meeting to exercise efficient control and keep track of any amendments moved during the course of the debate.</p> <p>Officers acknowledge that there are acute difficulties involved in balancing the principles of good governance with the desire to satisfy public perception, but reiterate that good governance should always take priority over public perception.</p>	<p>issue of members of the public in attendance forming the impression that by moving a recommendation at the beginning of the debate, those Members moving and seconding the motion had already reached a pre-determined view.</p> <p>Members attach particular significance to the issue of public perception when applied to the moving and seconding of Planning Officers' recommendations at the Development Control Committee.</p>

4.1.2 Officers invite Members to review both the webcast recording of the [Planning and Development Control Committee, Leicester City Council \(30 January 2019\)](#) and the sound recordings of the [Plans Committee, Charnwood Borough Council \(7 March 2019\)](#) which illustrate the disorderly manner in which meetings can be conducted without the moving and seconding of a motion from the outset of debate.

4.1.3 Both the Officers' version at (a) and the Members' versions at (b)(i) and (b)(ii) of the relevant provisions in contention are set in full out at **Appendix 7**.

4.2 **Part 4 - Members' Substitute Scheme, Para. 3 – Nomination etc. (pg. 187)**

4.2.1 A summary of the differing opinions between Officers and Members is as follows:

Officers	Members
<p>Officers recommend that there should be a fixed, proportional number of named substitutes for each committee, who should be trained as appropriate where the requirement for training in order to sit on the committee exists.</p> <p>This is recommended on the grounds that it is consistent with the policy aims and objectives of pertaining legislation prescribing political proportionality arrangements, thereby precluding the ability of a political group to substitute their entire complement of Members.</p> <p>The naming of substitutes would also allow so-named Members to be furnished with the same information at the same point of dissemination, ensuring that all substitute Members attending meetings are in comparable well-informed position.</p>	<p>Members opine that the Scheme should have greater flexibility, with no limit on the number of Members that can be substituted and no named substitutes.</p> <p>Members feel that the pertaining legislation governing political proportionality arrangements only applies when calculating eligible Member representation and, in turn, the proportional allocation of seats on committees by political group.</p> <p>Members believe that there are political, as opposed to policy, reasons as to why a political group should be able to substitute their entire complement of Members, the main reason being that Members are subject to the political whip.</p> <p>It is accepted that substitutes should be trained were such a requirement exists.</p>

4.2.2 Both the Officers' version at (a) and the Members' version at (b) of the relevant provisions in contention are set in full out at **Appendix 8**.

4.3 **Recommendation C** recommends that Council resolves upon its preferred version of the contentious provisions for respective inclusion within the Revised Constitution.

5. The Revised Constitution and Corporate Plan (2019-2024)

5.1 At its meeting of the Policy, Finance and Development Committee on 26 March 2019, the Council approved a Corporate Plan for the period 2019 to 2024 ("the Corporate Plan") with effect from 1 April 2019 together with a new management and departmental structure.

5.2 **Recommendation D** recommends that, consistent with the powers conferred by Article 14 of the Revised Constitution, delegated authority be granted to the Head of Law & Governance / Monitoring Officer to amend the Revised Constitution to reflect the changes arising from the Corporate Plan and the Council's new Management and Departmental Structure.

5.3 Where such amendment is required to be made notably includes, but is not limited to:

5.3.1 **Article 1** – The Constitution;

5.3.2 **Article 11** – Officers;

5.3.3 **Part 3** – Responsibility for Functions;

5.3.4 **Part 4** – Rules of Procedure;

5.3.5 **Part 5** – Codes and Protocols;

5.3.6 **Part 6** - Committee Structure; and

5.3.7 **Part 8** – Management and Departmental Structure

6. Next Immediate Steps

6.1 If approved and adopted, the Revised Constitution (as amended) will take effect as the Constitution of the Borough Council of Oadby and Wigston ("the Constitution") from the start of the 2019/20 municipal year marked by the Annual General Meeting (AGM) on 14 May 2019. This effective from date represents an appropriate juncture once a new administration has been formed following the Borough Council elections on 2 May 2019.

6.2 From the 1 May 2019, a copy of the Constitution will accordingly be:

6.2.1 provided to all Members as part of their Member Induction Resource Pack;

6.2.2 made available by Democratic Services for inspection at the Council Offices during ordinary business hours (Monday - Friday, 9:00 am - 5:00 pm); and

6.2.3 made available online via the Council's website and the modern.gov app.

6.3 Additionally, the availability of the Constitution online via the Council's website and the modern.gov app will make use of enhanced but hitherto unused functionality within the Council's committee and meeting management application, to provide a more user-friendly and electronically-accessible format arrangement which will allow the extensive contents of the Constitution as a composite document to be navigated more easily and efficiently.

7. Future Review and Revision of the Constitution

7.1 The Constitution will be reviewed and revised where appropriate on an annual and ongoing basis by the Constitutional Working Group in partnership with Officers under the supervision of the Change Management Committee, subject to the provisions of Article 14 therein.

7.2 Further to paragraph 5.2 above, the Monitoring Officer is empowered in accordance with Article 14 of the Revised Constitution to amend the Constitution with immediate effect in respect of 'minor changes' (Article 14.3.2), including amendments to reflect a change in fact or law, and 'legislative changes' (Article 14.3.3) subject to certain reporting requirements.

7.3 The use of the enhanced functionality within Council's committee and meeting management application will also ensure that future reviews and revisions to the Constitution are conducted and presented in an orderly and systematic fashion with a clear audit trail.

8. Miscellaneous

8.1 All additions, revisions, deletions and versions of the constitutional provisions in the revised Constitution as set out in **appendices 2 to 8** to this report have been formatted either in ***bold/italics/underlined***, struck-through and/or **boxed** for ease of reference accordingly.

PART 1

SUMMARY & EXPLANATION

PART 1

SUMMARY & EXPLANATION

The Constitution sets out how the Council operates how decisions are made and the procedures which are followed, to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 15 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate Rules and Protocols at the end of the document.

Background to Oadby & Wigston Borough Council

Oadby and Wigston Borough covers an area of just under 24 square km (9 square miles) and shares boundaries with Leicester City, Blaby District and Harborough District. The Borough is urban in its nature with most economic activity centred around the three settlements of Oadby, Wigston and South Wigston with a population of approximately 56,000.

What is in the Constitution?

Article 1 of the Constitution commits the Council to leadership, efficient, effective and economic service delivery, responsibility, transparency in local democratic self- government.

Articles 2-15 explain the rights of Residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4).
- Chairing the Council. (Article 5).
- Committees and Working Groups appointed by the Council (Article 6)
- Outside Bodies Directly Facilitated by the Council (Article 7).
- Joint Arrangements and Partnerships (Article 8).
- Standing and Other Committees (Article 9).
- Member Conduct (Article 10).
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, contracts and legal matters (Article 13).
- Review and revision of Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

HOW THE COUNCIL OPERATES

The Council is composed of 26 Councillors elected every four years.

Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to abide by this Constitution, which includes a Code of Conduct in order to ensure high standards in the way they undertake their duties. The Council promotes excellence, probity and transparency in public services and provides training and advice for Councillors governance matters including the Code of Conduct.

The Localism Act 2011(the Act) brought about a number of key changes to the Standards Regime operating in local authorities. Under the Act, local authorities remain under a statutory duty to promote and maintain high standards of conduct by their Councillors. In discharging this duty, the Council is still required to adopt it's own Code of Conduct (previously the content of the Code was prescribed by legislation). Oadby and Wigston Borough Council has adopted the common Code of Conduct for Leicestershire Authorities which is set out in Part 5 of this Constitution together with the procedure for dealing with complaints about a Councillor's conduct.

The Act repealed the statutory requirement for the Council to have a Standards Committee. At the Council meeting on 25 February 2014 the Council agreed to disband the existing Standards Committee in view of the fundamental changes to the national Standards Regime. The Policy Finance and Development Committee will take on the responsibility for promoting and maintaining high standards of conduct and where a panel of Councillors are required to hear a complaint this will be allocated from the membership of the Policy Finance and Development Committee on a rotational basis; the procedure for investigations will be carried out in accordance with the process set out in Part 5 of this Constitution.

All Councillors meet together as the Council. Meetings of the Council are normally open to the press and public except where exempt or confidential matters are being discussed. The Council is the forum for political debate on policy and strategy matters. Here Councillors agree the Council's overall policies and sets the budget each year. The Council retains certain powers and duties to itself, and delegates some to Committees and Officers.

HOW DECISIONS ARE MADE

Most day-to-day decisions are made by two main committees; Policy, Finance and Development Committee which sets the overarching strategic direction for the Council and Service Delivery Committee which oversees the development and performance of services within that overarching strategic direction.

Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Working Groups may be convened by the Council from time to time to deal with specific business.

In addition in order to give residents a greater say in council affairs, three Resident Forums have been created. These cover Oadby, Wigston and South Wigston areas of the Borough and are responsible for a range of area-based decisions and advising the Council of local people's aspirations in order that they can help inform the decision making process

The Council's Committee Structure is set out in Part 7 of this Constitution.

The Calendar of Meetings for the current year is set at the Annual General Meeting, in May of each year and is published on the Council's website www.oadby-wigston.gov.uk

SCRUTINY AND IMPROVEMENT

Oadby and Wigston Borough Council operates committee style arrangements and therefore is not required by law to have a separate Scrutiny Committee to support and monitor the work of the Committees and Council. At the Council meeting on 25 February 2014, it was agreed that each Committee will scrutinise its own decisions as they are being debated and made in the public arena. If necessary a Working Group may be convened by the Council to deal with any specific matter.

THE COUNCIL'S EMPLOYEES

The Council has employees (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Code of Practice governs the relationship between Officers and Members of the Council as set out in Part 5 of this Constitution

RESIDENTS' RIGHTS

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the Council's own processes. The local voluntary advice provision within the Borough can advise on an individual's legal rights.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- access a copy of the Constitution
- inspect and take copies of reports, agendas and minutes of meetings of the Council and its standing committees, unless they are exempt from disclosure or confidential;
- attend meetings of the Council and its committees where they may speak and ask questions in accordance with the Council's scheme in Part 4 of this Constitution except where, for example, personal or confidential matters are being discussed;
- at the discretion of the Chair, ask questions of members at Council meetings
- petition to request a referendum on a mayoral form of executive or any other matter;
- request a deputation;

- complain to the Council about any matter concerning the delivery in accordance with complaints procedure of any service, what the Council has done or not done or the way any Resident has been treated
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- and inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its Residents in its work. For further information on rights as Residents, please contact Democratic Services at the Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR, Tel 0116 257 2775, e-mail democratic.services@oadby-wigston.gov.uk A copy of the Constitution is available on the Council's website at www.oadby-wigston.gov.uk

Details on Access to Information provisions are contained in Articles 3 and Part 4 – Access to Information Procedure Rules.

Reference to Legislation shall include any amending legislation

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PART 2

ARTICLES OF THE CONSTITUTION

1. ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Borough Council of Oadby and Wigston.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.3 help Councillors represent their constituents more effectively;
- 1.3.4 enable decisions to be taken efficiently and effectively;
- 1.3.5 create a powerful and effective means of holding decision-makers to public account;
- 1.3.6 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
- 1.3.8 provide a means of improving the delivery of services to the community; and
- 1.3.9 stimulate a strategically-led organisation with appropriate delegation of power, effective performance management and the effective use of resources.

1.4 Interpretation and Review of the Constitution

- 1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.4.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article **Error! Reference source not found..**

1.5 Interpretation of Terms

Throughout this Constitution, references to the masculine gender shall be taken to mean both the masculine and the feminine gender and expressions in the singular shall include, where appropriate, the plural.

1.6 The Council's Corporate Priorities (2015 - 2019)

1.6.1 Protect the Borough

The Council will resist any attempt by either the City or County Councils to impose their control over the Borough.

1.6.2 Maintain Front Line Services

The Council is committed to free shoppers' car parking and weekly collection of waste and recycling. No change would ever be made without consultation.

1.6.3 Offering Choice when Possible

The Council will offer choice when possible.

1.6.4 Save Money through Service Redesign

The Council will look at all our services and redesign those that can be improved and cheaper to run.

1.6.5 Involve Residents and Partners

The Council is committed to continue with the town forums and to develop other community engagements systems. The Council will work with and continue to support partners.

1.6.6 Economic Development

The Council recognises the need to develop both housing and the town centres. This will be done with the maximum of public involvement and at minimum cost to the green spaces in the Borough.

1.6.7 Greening the Borough

The Council will continue to invest in and encourage activities which result in a greener Borough including prioritising the protection of trees.

1.6.8 Improving the Health of Residents

The Council wants to ensure residents live a full and healthy life.

1.6.9 **Value for Money**

The Council will always accept any council tax freeze grant offered by the Government. The Council will endeavour to freeze council tax, but if it is raised, it will never rise more than by inflation.

2. ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and Eligibility

2.1.1 Composition

The Council will comprise 26 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State and, or, the Electoral Commission.

2.1.2 Eligibility

The qualifications for election to and the holding of the office of Councillor will be those as prescribed under Section 79 of the Local Government Act 1972.

2.2 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The Terms of Office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of all Councillors

2.3.1 Key Roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interest of their ward and of individual constituents;
- (iv) respond to constituent's enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

2.4 Rights and Duties

- 2.4.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- 2.4.2 Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- 2.4.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.5 Political Groups

- 2.5.1 The Members of an authority are to be treated as divided into different political groups when there is at least one properly constituted political group in existence.
- 2.5.2 A political group shall be treated as constituted when there is delivered to the Chief Executive a Notice in writing which is signed by two or more Members of the authority who wish to be treated as a political group and that Notice states
- (i) That the Members of the authority who have signed it wish to be treated as a political group;
 - (ii) The name of the group; and
 - (iii) The name of the member of the group who is to act as its leader.
- 2.5.3 Under Section 15 of the Local Government and Housing Act 1989, the Council has a duty to review the allocation of seats on committees to the political groups in the Council at the Annual General Meeting or as soon as possible thereafter.
- 2.5.4 The allocation of seats on the Council and its Committees is made in proportion to the seats on the Council held by each political group. The duty to allocate seats on a proportional basis does not apply to all committees and working groups of, or outside bodies facilitated by, the Council.
- 2.5.5 Councillors who are not members of a political group are allocated seats by the Council. Councillors elected as Independents may, if they wish, form an independent group that, for the purposes of the 1989 Act, shall be treated as a political group.

2.6 Cessation of Membership

- 2.6.1 A Councillor will cease to be a Member if they:

- (i) Resign by giving notice in writing to the Chief Executive; or
- (ii) If they fail to observe the requirements to attend Council meetings as prescribed by Section 85 of the Local Government Act 1972; or
- (iii) If they are disqualified from holding office by virtue of Section 80 of the Local Government Act 1972 or any other statutory provision.

2.7 Conduct

Councillors will at all times observe the Members' Code of Conduct, the Planning Code of Conduct, the Licensing Code of Conduct and the Protocol on Member/Officer Relations as set out in Part 5 of this Constitution.

2.8 Allowances and Expenses

Councillors will be entitled to receive allowances and expenses in accordance with the Members' Allowances Scheme as set out in Part 6 of this Constitution as amended from time-to-time.

2.9 Office Holders

These are summarised below and are set out in more detail in Part 5 of this Constitution.

2.9.1 The Mayor and Deputy Mayor

- (i) The Mayor and Deputy Mayor are elected each year at the Annual General Council meeting. Neither shall be eligible for re-election as Mayor or Deputy Mayor respectively for a third consecutive year.
- (ii) The Mayor chairs the Council's meetings.
- (iii) The Mayor is the First Citizen of the Borough and is the Council's civic and ceremonial head.
- (iv) The Mayor may nominate a Mayoress or Consort and a Chaplain or some other faith representative.
- (v) The Deputy Mayor may nominate a Deputy Mayoress or Consort.
- (vi) The Deputy Mayor may, if for any reason the Mayor is unable to act or the Office of Mayor is vacant, discharge all functions that the Mayor as such might discharge.

2.9.2 The Leader of the Council

- (i) The Council will appoint a Leader each year at the Annual General Council meeting. The Leader who will provide clear leadership to the community.
- (ii) The Leader may present a regular report or statement to the Council on which questions or comments from other Councillors or members of the public will be taken in accordance with Part 4 of the Constitution.
- (iii) The Leader will hold office until:-
 - (a) He resigns from Office; or
 - (b) He ceases to be a Member in accordance with Article 2.6 above; or
 - (c) He is removed from Office by resolution of the Council or Annual General Meeting of the Council next following his appointment.

2.9.3 **Deputy Leader of the Council**

The Council may if it considers it appropriate to do so appoint a Deputy Leader. The Deputy Leader where such an appointment is made will hold Office on the terms listed at Article 2.9.3 above in respect of the Leader when the Leader is absent.

2.9.4 **Leader of the Opposition and Other Opposition Group Leaders**

- (i) The Council recognises majority and minority Opposition Group Leaders, if any.
- (ii) The designated leader of the majority opposition group will be appointed to the office of the Leader of the Opposition.
- (iii) Where there are two or more oppositions groups with an equal number of members in each, the designated group leaders of those groups shall be regarded as jointly being appointed to the office of the Lead of the Opposition.
- (iv) The designated leaders of any other minority opposition groups will be recognised as Opposition Group Leaders.
- (v) If it appropriate to do, The Leader of the Opposition and other Opposition Group Leaders may appoint or have recognised so a Deputy.
- (vi) The appointment of the Lead of the Opposition (and Deputy) and recognition other Opposition Groups Leaders (and Deputies) are noted at the Annual General Meeting of the Council.

3. ARTICLE 3 - CITIZENS AND THE COUNCIL

3.1 Citizens' Rights

Citizens have the following rights. Their right to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

3.1.1 Voting and Petitions

Citizens on the electoral role for the area have the right to:

- (i) Vote if they are registered to do so;
- (ii) Sign a petition to request a referendum for an Elected Mayor form of Constitution; and
- (iii) Sign and present any other petition they wish to support.

3.1.2 Information

Citizens have the right to:

- (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) see agendas, reports and background papers, and any records of decisions made by the Council except where confidential or exempt information is likely to be disclosed;
- (iii) inspect the Council's accounts and make their views known to the external auditor;
- (iv) obtain a copy of this Constitution;
- (v) ask questions at Council and Committee meetings on matters relevant to the agenda; and
- (vi) speak at meetings of the Development Control Committee and Licensing and Regulatory Committee (or its Sub-Committees) in favour of or against planning or licensing applications, subject to the procedures laid down by those bodies.
- (vii) such other information as may be entitled to by law.

3.1.3 Complaint

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) The Local Government and Social Care Ombudsman after using the Council's own complaints scheme; or
- (iii) The Policy, Finance and Development Committee via the Monitoring Officer about a breach of the Councillor's Code of Conduct.

3.1.4. **Citizens' Responsibilities**

- (i) Citizens must not harass or be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.
- (ii) When attending meeting, citizens must not behave improperly, offensively or interrupt the business of the meeting. If they do they, will be removed and excluded from the meeting.

4. ARTICLE 4 - THE FULL COUNCIL

4.1 Introduction

4.1.1 The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework which are listed below at Article 4.3. The Full Council must also by law take decisions on a number of specific matters.

4.1.2 The full Council provides a central forum for debate and gives the opportunity for Councillors and, at designated meetings throughout the year, members of the public, to ask questions about the Council or matters affecting the Council.

4.2 The Full Council

4.2.1 Role

A meeting of the Full Council is one which all 26 Members are entitled to attend and to speak and vote. The Full Council is responsible for the Budget and Policy Framework of the Council. It will carry out some functions itself but others will be delegated to Committees or named Officers.

4.3 Policy Framework and Budget

4.3.1 The Council has responsibility for the Policy Framework and Budget.

4.3.2 Meanings

(i) Policy Framework

The Policy Framework means the following plans and strategies and such others as the Council shall determine to be included in the policy framework.

(ii) Budget

The Policy Finance and Development Committee recommend to the Council the proposals for the budget each year. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and Council house rents and decisions relating to, the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of budget virement limits.

(iii) **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.4 Functions of the Full Council

Only the Full Council will exercise the following functions:

- 4.4.1 Adopting and amending the Constitution;
- 4.4.2 Approving or adopting the Policy Framework, the Budget and Council Tax;
- 4.4.3 Approving any application to the Secretary of State in respect of any Housing Land Transfer;
- 4.4.4 Agreeing and/or amending the terms of reference for Committees and Working Parties and deciding on their composition and making appointments to them;
- 4.4.5 Appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- 4.4.6 Adopting an allowances scheme under Article 2.8 and all other matters which, by law, must be reserved to the decision of the Council as a whole;
- 4.4.7 Changing the name of the area; conferring the title of Honorary Alderman or Freemen of the Borough;
- 4.4.8 Confirming the appointment of the Chief Executive and their dismissal;
- 4.4.9 The appointments to the designations of "Head of Paid Service" or "Monitoring Officer" or "Chief Financial Officer" and their dismissal.
- 4.4.10 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 4.4.11 Electing the Mayor and Deputy Mayor of the Council;
- 4.4.12 Receiving and adopting reports of committees, working groups and outside bodies as appropriate.
- 4.4.13 Any matter which is not in accordance with the Policy Framework; and

4.4.14 All other matters which, by law, must be reserved to Council.

4.5 Full Council Meetings

4.5.1 There are three types of Full Council meeting:

- (i) the annual general meeting (AGM);
- (ii) ordinary meetings; and
- (iii) extraordinary meetings.

4.5.2 Full Council meetings will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.6 Responsibility for Functions

The Council will keep under review the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

5. ARTICLE 5 - CHAIRING THE COUNCIL

- 5.1** The Mayor and Deputy Mayor of the Council will be elected by the Council annually.
- 5.2** The Mayor and in his absence the Deputy Mayor, will have the following responsibilities:-
- 5.2.1 to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - 5.2.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - 5.2.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
 - 5.2.4 to promote public involvement in the Council's activities;
 - 5.2.5 to be the conscience of the Council; and
 - 5.2.6 to attend or be represented at such civic and ceremonial functions as the Council and he determines appropriate.

6. ARTICLE 6 - COMMITTEES AND WORKING GROUPS APPOINTED BY THE COUNCIL

6.1 Committees

- 6.1.1 The Council may delegate some of its functions to appointed Committees and Sub-Committees.
- 6.1.2 The Council will appoint the Committees and Sub-Committees set out in Part 3 of this Constitution to discharge the functions specified.

6.2 Working Groups

- 6.2.1 Whilst the Council will operate predominantly through a committee system, it may from time to time create Working Groups in accordance with Part 3 of this Constitution.

7. ARTICLE 7 - OUTSIDE BODIES DIRECTLY FACILITATED BY THE COUNCIL

7.1 Outside Bodies

7.1.1 In order to give members of the public, other organisations and stakeholders an opportunity to exchange views and ideas that may influence the Council's policies and its decision making-process, or jointly-undertake work to achieve common strategic objectives, to the Council will directly facilitate a number outside bodies as follows:

- (i) Residents' Forums for each of the town centres within the Borough being:
 - (a) Oadby,
 - (b) Wigston; and
 - (c) South Wigston

and whose purpose, key aims and finances are set out in Article 7.2 below;

- (ii) Health and Wellbeing Board;
- (iii) Community Engagement Forum;
- (iv) Children and Young Peoples' Forum;
- (v) Community Safety Partnership;
- (vi) Senior Citizens Forum.

7.1.2 Outsides Bodies facilitated by the Council will be non-decision making bodies acting in an advisory capacity to decision-making bodies of the Council.

7.1.3 Each Outside Body will operate in accordance with its own Terms of Reference.

7.2 General Role of the Residents' Forums

The Residents' Forums will undertake the role as set out below.

7.2.1 Purpose

- (i) The Residents' Forums facilitate and enable a constructive relationship between the Council and the residents of the Borough. They provide an opportunity for the Council to consult the public on its policy decisions, service planning and Council consultations on areas of work that have the potential to impact on residents.

- (ii) The Residents' Forums ensure that issues important to residents are brought to the attention of the Council and vice versa, always acknowledging that a diversity of views may exist and always promoting better community cohesion.

7.2.2 **Key Aims**

- (i) To provide a space for residents to come together and receive updates on current agendas and influence Council policy and decision-makers.
- (ii) To provide residents with the opportunity to meet and inform elected- Members about issues of concern.
- (iii) To ensure consultation and engagement on the Council's policies and provide constructive challenge and give feedback on the Council's performance.
- (iv) To advise and comment on grant applications submitted to the Forums for their specific consideration before final submission to the Policy, Finance and Development Committee.
- (v) To act as a key channel for distributing information, engaging with the community and answering questions.

7.2.3 **Finances**

- (i) The Policy, Finance and Development Committee will have budgets delegated to it by Full Council to enable local groups, organisations and individuals to apply to their local Forum for funding of projects that seek to improve the quality of life for people who live or work in the Borough.
- (ii) Residents' Forums may make recommendations to the Policy, Finance and Development Committee about the benefits of such grants: however the final approval for the awarding of the grants is a decision to be taken by the Policy, Finance and Development Committee.

8. ARTICLE 8 - JOINT ARRANGEMENTS AND PARTNERSHIPS

8.1 Arrangements to Promote Well Being

8.1.1 The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (i) Enter into arrangements or agreements with any person or body;
- (ii) Co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (iii) Exercise on behalf of that person or body any functions of that person or body.

8.2 Joint Arrangements

8.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

8.2.2 Except as set out below, the Council may only appoint Councillors to a joint committee and those Councillors shall where possible reflect the political composition of the local authority as a whole.

8.2.3 Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of delegations in Part 3 of this Constitution.

8.3 Delegation To and From Other Local Authorities

The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

8.4 Contracting Out

8.4.1 The Council may contract out, to another body or organisation, functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994. These are Ministerial Orders allowing local authorities to contract out specific functions.

8.4.2 Those made so far deal with Tax Billing, Collection and Enforcement, Investment Functions, Allocation of Housing and Homelessness and certain County Council functions, or under contracting arrangements where the contractor acts as the

Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

8.5 Joint Committees the Council Participates In

The Council is party to a Joint Committee Agreement set up under the Traffic Management Act 2004 for the adjudication of parking appeals.

9. ARTICLE 9 - STANDING AND OTHER COMMITTEES

9.1 Introduction

The Council will appoint committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the Full Council.

9.2 Standing Committees

The Standing Committees are listed below and full details of their functions can be found in Part 3 of this Constitution:

9.2.1 Development Control Committee; and

9.2.2 Licensing and Regulatory Committee.

9.3 Other Committees and Sub-Committee

9.3.1 The Council will appoint such other committees as it considers appropriate to exercise any of its functions.

9.3.2 Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the Appointing Committee's terms of reference.

9.3.3 The Council in the case of Standing Committees or the parent committee in the case of sub-committees or panels will, in the case of sub-committees or panels, appoint the Members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

10. ARTICLE 10 - MEMBER CONDUCT

10.1 Introduction

The Policy Finance and Development Committee will be responsible for promoting and maintaining high standards of conduct by Councillors.

10.2 The Composition of the Policy, Finance and Development Committee

10.2.1 The Policy, Finance and Development Committee will consist of 15 Members.

10.2.2 The Council will appoint Members of the Policy, Finance and Development Committee at its Annual General Meeting.

10.3 The Role and Function of the Policy Finance and Development Committee

10.3.1 The Policy Finance and Development Committee will have the following roles and functions as regards Member Conduct:-

- (i) promoting and maintaining high standards of conduct by Councillors;
- (ii) assisting the Councillors to observe the Code of Conduct;
- (iii) advising the Council on the adoption or revision of the Code of Conduct;
- (iv) monitoring the operation of the Code of Conduct;
- (v) advising, training or arranging to train Councillors and Independent Members on matters relating to the Code of Conduct;
- (vi) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Code of Conduct so far as not delegated to the Monitoring Officer;
- (vii) the assessment, investigation and determination of allegations of misconduct on the part of a Councillor;
- (viii) dealing with any alleged breach by a Councillor of a Council Protocol, in accordance with the procedures approved by the Policy, Finance and Development Committee;
- (ix) overview of the Officers' Code of Conduct;
- (x) overview of the protocol on member/officer relations;
- (xi) overview of the Council's confidential reporting codes; and
- (xii) overview of complaints handling and ombudsman investigations.

11. ARTICLE 11 - OFFICERS

11.1 General

The Council may engage such staff and referred to as Officers as it considers necessary to carry out its functions.

11.2 Chief Officers

The Council will engage persons for the following posts, who will be designated Chief Officers. The Head of Paid Service shall have responsibility and power to amend the functions and areas of responsibility of the Chief Officers as s/he considers necessary to deliver the Council's functions, vision and priorities. Such changes will be carried out in accordance with any relevant HR policies.

Post Functions and Areas of Responsibility

Post	Duties
Chief Executive	<ul style="list-style-type: none">• Overall corporate management and operational responsibility (including overall management and responsibility for all officers and relationships with Councillors)• Business Transformation• Reputation Management• Provision of professional advice to all parties in the decision-making process• Together with the Monitoring Officer responsibility for a system of record keeping for all the Council's decisions and maintaining the Constitution• Representing the Council on partnership and external bodies (as required by statute or the Council)• To act as Head of Paid Service.

11.3 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Designation	Post
Head of Paid Service	Chief Executive
Monitoring Officer	Head of Law and Governance
Chief Finance Officer	Director of Finance and Transformation

Such posts will have the functions described in to 11.7below.

11.4 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

11.5 Functions of the Head of Paid Service

11.5.1 Discharge of Functions by the Council

The Head of Paid Service will keep under review the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

11.5.2 Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

11.6 Functions of the Monitoring Officer

11.6.1 Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

11.6.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of

stopping the proposal or decision being implemented until the report has been considered.

11.6.3 Supporting the Policy Finance and Development Committee in respect of the Code of Conduct

- (i) The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Policy, Finance and Development.
- (ii) Notwithstanding the duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Policy finance and Development, for the purposes of investigation or determination of a complaint against a Member.
- (iii) The Monitoring Officer will maintain the Register of Interests for Councillors and the Register of Gifts and Hospitality.

11.6.4 Conducting Investigations

The Monitoring Officer will conduct investigations into matters and carry out any other actions as directed by the Policy Finance and Development Committee and make reports or recommendations in respect of them to the Policy Finance and Development Committee.

11.6.5 Proper Officer for Access to Information

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

11.6.6 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors. Where the Monitoring Officer considers that a Member(s) has acted contrary to his/her advice it is open to him/her to issue a report to the Council under s.5 Local Government and Housing Act 1989, or seek judicial review, as he or she considers appropriate in the circumstances.

11.6.7 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer.

11.7 Functions of the Chief Finance Officer

11.7.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

When the report is completed the Chief Finance Officer shall send a copy to: (a) the current auditor of the Council's accounts; and, (b) each Member of the Council.

11.7.2 Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

11.7.3 Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

11.7.4 Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles,

11.7.5 Give Financial Information

The Chief Finance Officer will provide financial information to the media, Members of the public and the community.

11.7.6 Restrictions on Posts

The Chief Finance Officer cannot be the Monitoring Officer.

11.8 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.9 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 4 of this Constitution.

11.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

12. ARTICLE 12 - DECISION MAKING

12.1 Responsibility for Decision-Making

The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

12.2.1 proportionality in that the action must be proportionate to the desired outcome;

12.2.2 due consultation and the taking of professional advice from Officers;

12.2.3 respect for human rights;

12.2.4 a presumption in favour of openness;

12.2.5 clarity of aims and desired outcomes;

12.2.6 consideration of any alternative options; and

12.2.7 the giving of reasons for the decision and the proper recording of those reasons.

12.3 Decision Making by the Full Council

Subject to Article 12.5, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.4 Decision Making by Other Committees and Sub-Committees Established by the Council

Subject to Article 12.5, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.5 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13. ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

13.3 Legal Proceedings

13.3.1 The Head of Law and Governance is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Law and Governance considers that such action is necessary to protect the Council's interests.

13.3.2 The Head of Law and Governance has delegated powers to authorise officers to appear in court on the Council's behalf.

13.4 Authentication of Documents

13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Law and Governance or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.4.2 Any contract with a value exceeding £50,000, entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two officers of the Council or made under common seal of the Council attested by the Head of Law and Governance if they exceed £50,000 in value.

13.4.3 In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (i) The Chief Executive;
- (ii) The Head of Law and Governance;

- (iii) Any Chief Officer of the Council concerned with the matter to which the document relates; and
- (iv) Any Officer authorised in writing by the Chief Officer or by the Head of Law and Governance.

13.5 Common Seal of the Council

13.5.1 Common Seal of the Council

- (i) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Law and Governance.
- (ii) A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

13.5.2 Sealing and Execution of Documents

- (i) The common seal of the Council shall be affixed to a document only on the authority of:
 - (a) a resolution of the Council;
 - (b) resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
 - (c) a decision by the Council, or by a Committee, Sub-Committee or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.
- (ii) The affixing of the common seal shall be attested by the Mayor, the Deputy Mayor and, or, in exceptional circumstances, the Head of Law and Governance.

13.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by and consecutively numbered in a book to be provided for the purpose.

14. ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION

14.1 Duty to Monitor and Review the Constitution

- 14.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 14.1.2 The Chief Finance Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Part 4 for the next available Council meeting for noting.

14.2 Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

- 14.2.1 Observe meetings of different parts of the Member and officer structure;
- 14.2.2 Undertake an audit trail of a sample of decisions;
- 14.2.3 Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- 14.2.4 Compare practices in this Council with those in comparable authorities, or national examples of best practice.

14.3 Changes to the Constitution

14.3.1 Approval

- (i) Subject to **Error! Reference source not found.** below, changes to the Constitution will only be approved by the full Council.
- (ii) Where the table of Chief Officers in Article 11 or the Management Structure section of the Constitution needs to be updated, the Monitoring Officer may make the necessary changes upon receipt of notification from the Chief Executive that he/she has made changes to these structures following Council or relevant committee approval of such changes.

14.3.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- (i) A minor variation; or
- (ii) Required to be made to remove any inconsistency or ambiguity or to reflect a change in fact or law; or
- (iii) Required to be made so as to put into effect any decision of the Council or its committees or the Executive,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect.

14.3.3 **Legislative Change**

- (i) Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision.
- (ii) Such amendments shall take effect when the Monitoring Officer so decides or the legislation where relevant so provides. Such changes shall be reported to the next Council meeting.

15. ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

15.1 Suspension of the Constitution

15.1.1 Limit to Suspension

The Articles of this Constitution may not be suspended. The Council Procedure Rules in Part 4 of this Constitution may be suspended by the Full Council and Committees to the extent permitted within those Rules and the law.

15.1.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.1.3 Rules Capable of Suspension

All of the Council Procedure Rules set out in Part 4, except Rule 16.6 (right to require individual vote to be recorded and recorded vote for budget setting) and Rule 22 (suspension), may be suspended in accordance with this Article but in every case only upon a request of two thirds of the Councillors present and voting.

15.2 Interpretation

The ruling of the Mayor of the Council (or other person presiding) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

15.3.1 The Monitoring will give a printed copy of this Constitution to each Member of the Council upon delivery to him of that individual's declaration of acceptance of office on the member first being elected to the Council.

15.3.2 The Head of Law and Governance will ensure that copies are available for inspection at Council Offices and other appropriate locations and on the Council's website, and can be purchased by members of the local press and the public on payment of a reasonable fee.

15.3.3 The Head of Law and Governance will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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PART 3

RESPONSIBILITY FOR FUNCTIONS

1. INTRODUCTION

- 1.1. This part of the Constitution sets out which bodies and individuals are responsible for particular functions of the Authority.
- 1.2. These functions are described in more detail in this part of the Constitution.
- 1.3. Also included in this part of the Constitution are details of the Committees and Working Groups, the Scheme of Delegation to Officers, and the list of Proper Officer designations.
- 1.4. The list of Proper Officer designations sets out the officers responsible for certain functions under a particular piece of legislation.

2. COUNCIL FUNCTIONS

In some instances, decision can only be taken at a meeting of the Full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a Committee or an Officer - where this is the case, it is identified in this part of the Constitution.

Function	Reservation or Delegation of Function
All those functions for which the Council is responsible relating to town and country planning and development control	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to the protection and treatment of hedgerows and the preservation of trees	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to public rights of way	Development Control Committee Director of Services
All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals	Licensing and Regulatory Committee Director of Services

Function	Reservation or Delegation of Function
All those functions for which the Council is responsible governing health and safety at work (other than in the Authority's capacity as an employer)	Director of Services
All those functions relating to elections	Council Chief Executive Returning Officer Electoral Registration Officer
Functions relating to the name and status of areas and individuals	Council
Power to make, amend, revoke, re-enact or enforce byelaws or orders	Council
Power to promote or oppose local or personal bills	Council
Power to make and amend procedure rules	Council
Power to make contract standing orders	Council
Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council Chief Executive Director of Services
Duty to make arrangements for the proper administration of financial affairs	Council
Power to appoint officers for particular purposes (appointment of Proper Officers)	Council Monitoring Officer
Duty to designate an officer as the head of the Authority's paid service	Council
Duty to designate an officer as the monitoring officer and to provide staff	Council

Function	Reservation or Delegation of Function
Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts	Policy Finance and Development Committee
Power to make a closing order on a takeaway food shop	Licensing and Regulatory Committee Head of Law and Governance
Functions under local Acts	Council Heads of Service
The conduct of best value reviews under Local Government Act 1999	Policy Finance and Development Committee Chief Executive
The discharge of any function relating to the control of pollution or the management of air quality	Licensing and Regulatory Committee Director of Services
The service of an abatement notice for a statutory nuisance	Licensing and Regulatory Committee Director of Services
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Council
Inspections for statutory nuisance	Licensing and Regulatory Committee Director of Services
Investigation of any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee Director of Services
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	Policy Finance and Development Committee Director of Finance and Transformation
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Policy Finance and Development Committee Service Delivery Committee Heads of Service

Function	Reservation or Delegation of Function
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council Chief Executive
The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements	Council Chief Executive
All those functions for which the Council is responsible relating to Community Governance Reviews as set out in Chapter 3 of the Local Government and Public Involvement in Health Act 2007	Council Chief Executive
Function	Reservation or Delegation of Function
All those functions for which the Council is responsible relating to town and country planning and development control	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to the protection and treatment of hedgerows and the preservation of trees	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to public rights of way	Development Control Committee Head of Law and Governance
All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals	Licensing and Regulatory Committee Head of Law and Governance
All those functions for which the Council is responsible governing health and safety at work (other than in the Authority's capacity as an employer)	Director of Finance and Transformation

Function	Reservation or Delegation of Function
All those functions relating to elections	Full Council Chief Executive Returning Officer Electoral Registration Officer
Functions relating to the name and status of areas and individuals	Full Council
Power to make, amend, revoke, re-enact or enforce byelaws or orders	Full Council Head of Law and Governance
Power to promote or oppose local or personal bills	Full Council Head of Law and Governance
Power to make and amend procedure rules	Full Council
Power to make contract standing orders	Full Council
Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Full Council Chief Executive
Duty to make arrangements for the proper administration of financial affairs	Full Council Chief Executive Director of Finance and Transformation
Power to appoint officers for particular purposes (appointment of Proper Officers)	Full Council Head of Law and Governance
Duty to designate an officer as the head of the Authority's paid service	Full Council
Duty to designate an officer as the monitoring officer and to provide staff	Full Council
Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts	Policy Finance and Development Committee

Function	Reservation or Delegation of Function
Power to make a closing order on a takeaway food shop	Licensing and Regulatory Committee Head of Law and Governance
Functions under local Acts	Full Council Heads of Service
The conduct of best value reviews under Local Government Act 1999	Policy Finance and Development Committee Chief Executive
The discharge of any function relating to the control of pollution or the management of air quality	Licensing and Regulatory Committee Head of Law and Governance
The service of an abatement notice for a statutory nuisance	Licensing and Regulatory Committee Head of Law and Governance
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Full Council
Inspections for statutory nuisance	Licensing and Regulatory Committee Head of Law and Governance
Investigation of any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee Head of Law and Governance
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	Policy Finance and Development Committee Director of Finance and Transformation
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Policy Finance and Development Committee Service Delivery Committee Heads of Service
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council Chief Executive

Function	Reservation or Delegation of Function
The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements	Council Chief Executive
All those functions for which the Council is responsible relating to Community Governance Reviews as set out in Chapter 3 of the Local Government and Public Involvement in Health Act 2007	Council Chief Executive

3. FULL COUNCIL

Membership: 26 Members

Quorum: 7 Members

Functions:

Only the Full Council will exercise the following functions:

- 3.1.** Subject to Article 14, adopting and changing the Constitution;
- 3.2.** Approving or adopting the Policy Framework, the Budget and any application to the Secretary of State for a Housing Land Transfer;
- 3.3.** Appointing the Leader of the Council annually;
- 3.4.** Agreeing and/or amending the responsibility for functions of any committees or other bodies appointed by the Full Council, deciding on their composition and making appointments to them;
- 3.5.** Appointing representatives to outside bodies unless has been delegated by the Council
- 3.6.** Adopting an allowances scheme or assessing, revoking or replacing any such scheme;
- 3.7.** Changing the name of the area and conferring the title of Honorary Alderman or Freeman;
- 3.8.** Confirming the appointment or dismissal of the Head of Paid Service;
- 3.9.** Making arrangements for the proper administration of financial affairs;
- 3.10.** Designating an officer as the Monitoring Officer;
- 3.11.** Appointing an Electoral Registration Officer;
- 3.12.** Appointing a Returning or Acting Returning Officer for Parliamentary, local, European and Police Commissioners elections and referenda
- 3.13.** Making, amending, revoking, re-enacting or adopting bylaws and orders and promoting or opposing the making of local legislation or personal Bills;
- 3.14.** Determining senior management structures of the organisation;
- 3.15.** Agreeing procedure rules, standing orders and financial regulations;
- 3.16.** Proposals relating to district boundaries, electoral wards and the number of Borough Councillors;
- 3.17.** Agreeing an Annual Schedule of Meetings;
- 3.18.** Adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework;

- 3.19.** Power to resolve not to issue casino licences;
- 3.20.** Subject to any matters delegated to Committees or other bodies or officers, determining all local choice functions set out in Part 3 of this Constitution;
- 3.21.** Accepting the delegation of a power or function from another local authority; and
- 3.22.** All matters which, by law, must be reserved to Council.

4. POLICY, FINANCE AND DEVELOPMENT COMMITTEE

Membership: 15 Members

Quorum: 4 Members

Functions:

- 4.1.** To be responsible for strategic and policy co-ordination;
- 4.2.** To recommend major new policies (and amendments or revisions of existing policies) to the Council for approval as a part of the Authority's Budget and Policy Framework (Article 4 of this Constitution);
- 4.3.** To prepare and agree other policies and strategies for implementation and to respond to consultation documents
- 4.4.** To recommend to the Council the annual budget, including the Capital and Revenue Budgets and the level of Council Tax and The Council Tax base;
- 4.5.** To consider, at least annually, the level of reserves, provisions, and balances held by the Authority and recommend any changes to the Council;
- 4.6.** To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time. This will include recommending to Council any changes to policy that will materially reduce or increase the services of the Authority or create significant financial commitments in future years;
- 4.7.** To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council;
- 4.8.** To exercise the Authority's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder;
- 4.9.** To oversee the implementation of Value for Money;
- 4.10.** To consider and respond to recommendations and reports from other Council Committees and Bodies;
- 4.11.** To monitor expenditure on the capital programme;
- 4.12.** To receive and consider reports from the District Auditor (including the Management Letter) and agree any appropriate action
- 4.13.** To consider the reports of external review bodies on key aspects of overall service delivery;

- 4.14.** To ensure that the promotion of the rights, welfare and interests among all groups in society is given equal and primary consideration in all aspects of the Council's work and services;
- 4.15.** To carry out the Authority's responsibilities for improving the economic, social and environmental well-being of the District and increasing the availability and equality of access to employment;
- 4.16.** To review and monitor the Authority's strategy and overall implementation on e-Government, telecommunications, information systems and information technology, making recommendations to the Council as required;
- 4.17.** To manage and maintain the Authority's other property portfolio;
- 4.18.** To collect the Council Tax, National Non-Domestic Rates, periodic income and sundry debts;
- 4.19.** To exercise the Authority's powers for planning and responding to civil emergencies;
- 4.20.** To exercise the Authority's functions as Local Planning Authority (except to the extent that those functions are by law the responsibility of the Council), including supplementary planning guidance, and designating conservation areas;
- 4.21.** To oversee the Authority's overall policy on the voluntary and community sector;
- 4.22.** To approve the purchase, sale or appropriation of land and buildings where the market value of the transaction exceeds £30,000 and to approve leasing (or otherwise) property where throughout the term the annual rental will exceed £20,000
- 4.23.** To authorise the making of compulsory purchase and control orders;
- 4.24.** To write off debts of more than £10,000;
- 4.25.** To write off stocks, stores and other assets and to write off any losses of money or stores or to settle claims;
- 4.26.** To write off as non-refundable credits on accounts of more than £10,000;
- 4.27.** To accept tenders and award contracts, including those which exceed budgetary provision and are within the Council's agreed budget (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework);
- 4.28.** To receive reports on contract overspends in accordance with limits set out in the Financial Procedure Rules and agree the action to be taken;
- 4.29.** To give grants or loans to charitable, voluntary bodies or other bodies where permitted by law;

- 4.30.** To promote and develop international exchanges and links with towns and cities in other countries;
- 4.31.** To be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs;
- 4.32.** To confer with other local authorities, government departments, statutory bodies, voluntary bodies, the police or other external agencies in order to discharge the responsibilities vested in the Committee;
- 4.33.** To make decisions where no other tier of government has responsibility or where a policy or strategy does not exist;
- 4.34.** To be responsible for all corporate and financial services including Finance, Human Resources, Legal, the major financial aspect of Revenues & Benefits such as subsidy ICT;
- 4.35.** To scrutinise and approve the policies of the Council;
- 4.36.** To be responsible for considering the views and recommendations of the Place Shaping Working Group, Residents' Forums, Community Engagement Forum, Children and Young Peoples' Forum and Senior Citizens' Forum;
- 4.37.** Fulfil the Council's need for a "client" role if the Council tenders a service/contact that the Council wished to bid for itself;
- 4.38.** Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti-fraud and corruption arrangements;
- 4.39.** Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- 4.40.** Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it;
- 4.41.** Approve, but not direct, Internal Audit's strategy and plans and monitor performance;
- 4.42.** Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
- 4.43.** Receive the annual report of Internal Audit;
- 4.44.** Consider plans of External Audit and inspection agencies;
- 4.45.** Monitoring of relevant reports and action plans;
- 4.46.** Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;

- 4.47.** Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit;
- 4.48.** To deal with the Annual Audit and Inspection letter and in particular to:
- a.** consider matters raised in the annual governance report;
 - b.** agree, if necessary, to adjust the financial statements;
 - c.** approve the representation letter on behalf of the Council;
 - d.** consider and agree, if considered appropriate, any actions proposed in the annual; governance report and statement;
- 4.49** To have delegated authority to deal with all matters relating to the Council's final accounts;
- 4.50** Promoting and maintaining high standards of conduct by councillors and co-optees;
- 4.51** Assisting the councillors and co-optees to observe the Members' Code of Conduct;
- 4.52** Advising the Council on the adoption or revision of the Members' Code of Conduct;
- 4.53** Monitoring the operation of the Members' Code of Conduct
- 4.54** Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- 4.55** Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate;
- 4.56** To establish sub-committees for the Assessment or Determination on matters concerning allegations of Members Conduct; and
- 4.57** Oversee the ethical framework of the Council including oversight of:
- a.** the Whistle Blowing Policy;
 - b.** Complaints Handling; and
 - c.** Ombudsman investigations.

5. LOCAL ASSESSMENT OF MEMBER COMPLAINTS

5.1. Sub-Committees of the Policy, Finance and Development Committee

All Policy, Finance and Development Committee Members will form a pool from which Members will be drawn based on their availability and the requirements of the particular Sub-Committee as and when required.

5.1.1 Assessment Sub-Committee

Assessment of complaints in accordance with the Council's Guidance and to either:

- a.** Accept the Monitoring Officer's recommendation of no failure to comply with the Code of Conduct;
- b.** Refer the matter for full investigation; and
- c.** Refer the matter for other action.

5.1.2. Review Sub-Committee

Consideration of requests for a review in accordance with the Council's Guidance.

5.1.3. Determinations Sub-Committee

To receive reports from the investigating officer and to decide either:

- a.** to determine finding of no failure to comply with the Code of Conduct;
- b.** to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions; or
- c.** Refer the matter for other action in accordance with the Council's Guidance.

5.1.4. Membership, Quorum and Other Matters

- a.** The quorum is three Members.
- b.** The Sub-Committee may co-opt at least one independent member as appropriate who will not have any voting rights.
- c.** No Member who considered a complaint at the Initial Assessment/Determination Sub-Committee may consider the same complaint at the Review Sub-Committee.

6. SERVICE DELIVERY COMMITTEE

Membership: 14 Members

Quorum: 4 Members

Functions:

- 6.1.** Responsible for the delivery and performance of services;
- 6.2.** Oversees the development and performance of services within the overarching strategic direction set by Policy, Finance and Development Committee;
- 6.3.** Responsible for all financial issues relating to its services within the budgets set by Council;
- 6.4.** To be responsible for the day to day operation of all services (except those that are the responsibility of the Policy, Finance and Development Committee);
- 6.5.** To manage and maintain the Authority's housing stock;
- 6.6.** To be responsible for all aspects of the Greening of the Borough initiative at a strategic and operational level;
- 6.7.** To be responsible for considering the views and recommendations of the Health and Wellbeing Board;
- 6.8.** To be responsible for all the policies relating to the above services;
- 6.9.** To be responsible for annual budget plans for recommendation to the Policy, Finance and Development Committee;
- 6.10.** To be responsible for the operation of Council buildings, Car Parks, Cemeteries, Parks and Open Spaces;
- 6.11.** Develop the Housing Business Plan in accordance with the strategic direction; and
- 6.12.** To fulfil the Council's need for a "contractor" role if the Council was to bid for itself.

7. DEVELOPMENT CONTROL COMMITTEE

Membership: 13 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
<p>7.1. The determination of all decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent is delegated to the Director of Finance and Transformation except where:</p>	<p>(a) The application is contrary to the provisions of an approved or draft development plan policy and is recommended for permission, and in the opinion of the Director of Finance and Transformation the application is likely to:</p> <ul style="list-style-type: none"> (i) be potentially controversial, or (ii) be of significant public interest, or (iii) have a significant impact on the environment, or (iv) raise matters which should be referred to the Development Control Committee <p>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.</p> <p>(c) A legal agreement (section 106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.</p> <p>(d) A Ward Member has notified the Director of Finance and Transformation in writing or by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the</p>

	<p>Development Control Committee, and</p> <ul style="list-style-type: none"> (i) the notification is supported by one or more planning grounds, and (ii) where the item relates to a matter of local concern. <p>Provided that this "call-in" shall not be exercised by any Member with a prejudicial interest.</p> <ul style="list-style-type: none"> (e) The application is submitted by: <ul style="list-style-type: none"> (i) a serving Member or Officer of the Council; (ii) Reasonable steps will also be taken to ensure Development Control Committee considers applications submitted by: <ul style="list-style-type: none"> (iii) a person who has served as a Member or Officer of the Council in the five year period before the application was submitted, or (iv) their respective co-habiting partners
<p>7.2. Making orders to revoke or modify planning permissions, to impose conditions to remove buildings or repair listed buildings.</p>	<p>All matters reserved.</p>
<p>7.3. Making tree preservation orders.</p>	<p>To consider objections or other representations.</p>
<p>7.4. Serving Building Preservation Notices or Listed Building Repair Notices.</p>	<p>All matters reserved except where necessary to serve a notice in an emergency.</p>
<p>7.5. Public path orders under the Town and Country Act 1990.</p>	<p>To determine matters referred to it following the receipt of objections or other representations.</p>

7.6. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

8. LICENSING AND REGULATORY COMMITTEE

Membership: 13 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
<p>8.1. To consider all outstanding licensing matters.</p> <p>8.2. To recommend to Council to resolve not to issue a casino licence.</p>	<p>To determine all licensing matters referred to with the exception of:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;</p> <p>(ii) The power to resolve not to issue a casino licence which shall be reserved to Council.</p>
<p>8.3. To exercise the Council's regulatory and enforcement powers and duties in respect of all other licensing authorisations, licenses, permits, consents or similar under all statutory provisions</p>	<p>To determine any matters referred to it.</p>
<p>8.4. To exercise the regulatory functions of Environmental Health, Building Control, and Car Parking enforcement</p>	<p>To determine any matters referred to it.</p>
<p>8.5. To recommend the implementation or amendment to byelaws and orders on all licensing matters to Council for adoption.</p>	<p>To determine any matters referred to it.</p>
<p>8.6. To adopt policies in relation to all Licensing & Regulatory policies (except the Statement of Licensing Policy and Gambling Policy and budgets) and setting of fees and charges.</p>	<p>To determine any matters referred to it.</p>

<p>8.7. To exercise the powers and duties of the Authority under Sections 13, 14 and 14A of the Public Order Act 1986.</p>	<p>To determine any matters referred to it.</p>
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9. LICENSING SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
<p>9.1. To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003.</p>	<ul style="list-style-type: none">(a) application for a personal licence where there are relevant unspent convictions.(b) The review of a premises licence or club premises certificate;(c) Decision to object when the local authority is the consultee and not the relevant authority considering the application;(d) Determination of a police objection to a temporary event notice.(e) Where a relevant representation has been made, except where the relevant representation is made upon a minor variation application;(f) Application for a premises licence where representations have been received and not withdrawn.(g) Application for a provisional statement;(h) Application for variation to a premises licence or club premises certificate where representations have been received and not withdrawn.(i) Application to vary a designated premises supervisor where representations have been received and not withdrawn.(j) Application for transfer of a premises licence where representations have been received and not withdrawn.

	<p>(k) Application for interim authority.</p>
<p>9.2. To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.</p>	<p>(a) Application for a premises licence where representations have been received and not withdrawn.</p> <p>(b) Application for variation to licence where representations have been received and not withdrawn.</p> <p>(c) Application for a transfer of a licence where representations have been received from the Gambling Commission.</p> <p>(d) Application for a provisional statement where representations have been received and not withdrawn.</p> <p>(e) Review of a premises licence.</p> <p>(f) Application for club gaming/club machine permits where objections have been received and not withdrawn.</p> <p>(g) Cancellation of club gaming/club machine permits.</p>

9.3. Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

9.4. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Sub-Committee.

10. TAXI AND PRIVATE HIRE SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
10.1. To consider all outstanding hackney carriage and private hire licensing issues.	To determine any matters referred to it.

10.2. Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

10.3. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

11. CHANGE MANAGEMENT COMMITTEE

Membership: 8 Members

Quorum: 3 Members

Functions:

- 11.1** To carry out the employment and staffing functions of the council which are not delegated to officers or reserved to Full Council. This includes the Local Authorities (Standing Orders) (England) Regulations of 2001 (as amended);
- 11.2** To provide oversight and scrutiny of any major change management projects being carried out in the organisation;
- 11.3** To provide oversight and scrutiny of any major staffing related issues that could affect the outcomes delivered by the Council;
- 11.4** To make any consequent recommendations arising out of the above to the appropriate Committee of the Council or to the Council; and
- 11.5** To provide overall guidance and direction on matters pertaining to the operation, review and amendment of the Council's Constitution.

12. INVESTIGATORY SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
12.1. To determine disciplinary cases involving chief officers.	To determine any matters referred to it.

12.2. Members to be appointed as and when needed from the membership of the Change Management Committee.

13. INDEPENDENT REMUNERATION PANEL

Membership: 3 Independent Members

Quorum: 3 Independent Members

Functions:

- 13.1.** To make recommendations to the Authority as to the amount of basic allowance that should be payable to its elected members;
- 13.2.** To make recommendations to the Authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance;
- 13.3.** To make recommendations to the Authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance;
- 13.4.** To make recommendations as to the amount of co-optees' allowance;
- 13.5.** To make recommendations as to whether the Authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which it is determined;
- 13.6.** To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- 13.7.** To make recommendations as to which members of an authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972; and
- 13.8.** As to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

14. APPOINTMENTS COMMITTEE

Membership: 5 Members to include:

The Leader (or appointed nominee)

The Deputy Leader (or appointed nominee)

The Leader of the Opposition (or appointed nominee)

The Chair of the Service Delivery Committee (or appointed nominee)

The Chair of the Policy Finance and Development Committee (or appointed nominee)

Quorum: 5 Members

Functions	Matters Reserved for a Decision
14.1. To interview shortlisted candidates for Head of Paid Service, Chief Officer and Deputy Chief Officer posts.	To determine any matters referred to it.
14.2. Recommend to Full Council the appointment of the Head of Paid Service.	
14.3. Recommend to the Chief Executive (as Head of Paid Service) all permanent appointments to Chief Officer and Deputy Chief Officer posts.	
14.4. Undertake an annual appraisal of the performance of the Chief Executive.	

15. APPEALS PANEL

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
15.1. To determine appeals for internal personnel appeals	To determine any matters referred to it.
15.2. To determine other hearings and appeals that may be required	

15.3. 3 Members to be appointed as and when needed from the membership of the Full Council.

15.4. The decision of an Officer may first be reviewed by a Head of Service and thereafter the Panel.

15.5. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Panel.

15.6. Where any appeal arises from a decision delegated to any Officer, Committee or any Sub-Committee, neither that Officer, Member, Committee or Sub-Committee nor any Member of that Committee or Sub-Committee nor any person previously having had any part in the relevant decision shall be involved in the appeal decision.

16. TERMS OF REFERENCE OF SUB-COMMITTEES APPOINTED OUTSIDE THE SCHEME OF DELEGATION WITHIN PART 3 OF THE CONSTITUTION

- 16.1** In the absence of any express statutory prohibition, all Committee appointed by the Council may appoint one or more sub-committees to undertake a specific function(s) and for duration to be specified by the Committee.
- 16.2** Prior to the establishment of a sub-committee, Terms of Reference will be drawn up by the Head of Law and Governance in consultation with the relevant Chair which will:
- 16.2.1 Detail the function/s that the sub-committee will consider;
 - 16.2.2 The size and composition of the sub-committee having regard to political proportionality;
 - 16.2.3 The duration of the sub-committee (whether time or function limited); and
 - 16.2.4 The extent of the delegation of authority by the parent committee to the sub-committee.
- 16.3** All sub-committees of the Council must operate within their Terms of Reference and delegated powers and in accordance with Part 3 of the Constitution as appropriate.
- 16.4** The delegated powers of sub-committee shall be exercised in conformity with any directive of the Council on any matters relating to the policy framework.
- 16.5** No sub-committee shall have the power to incur expenditure which has not been sanctioned by the Council or its parent committee.
- 16.6** Sub-committees shall be authorised to take any steps, including delegation to officers, which may be necessary to carry out the functions delegated to that sub-committee.
- 16.7** Sub -committees shall be authorised to carry into effect any of the duties, powers or functions delegated to that sub-committee.
- 16.8** Each committee is responsible for monitoring the performance of the services and functions delegated to its sub-committees.
- 16.9** Any reference to a statute within the Terms of Reference of a committee includes reference to any re-enactments thereof and subordinate legislation made thereunder.
- 16.10** The sub-committee may resolve to seek Council or Committee authority rather than to exercise delegated authority in any matter.

17. AD-HOC WORKING GROUPS APPOINTED OUTSIDE THE SCHEME OF DELEGATION WITHIN PART 3 OF THE CONSTITUTION

- 17.1 All Committees appointed by the Council may appoint one or more ad-hoc working groups which will consist of a small group of Members, with Officers in attendance at meetings to provide support and advice, with the remit to consider specific policies, matters or projects which need to be completed within a specified time period.
- 17.2 A working group will conduct its business on a less formal basis than that of a Committee, will not have any decision-making powers and can only make recommendations to the body from which it was formed, or to such other body as the parent body decides, or to an officer.
- 17.3 The term "working groups" refers to all informal bodies appointed by the Council, its Committees.

18. SCHEME OF DELEGATION TO OFFICERS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to Officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1.** Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2.** Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking
- 2.3.** An officer may always refer a delegated matter to Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself
- 2.4.** When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5.** Before taking a decision under delegated powers, an officer shall notify the relevant Committee Chair of any action, which is likely to be contentious or politically sensitive.
- 2.6.** The Chief Executive and Directors shall keep Committee Chair informed of the work of their service area.
- 2.7.** When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8.** When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9.** The Chief Executive may authorise one officer to exercise the delegated powers of another officer in the absence of the latter except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.10.** This scheme does not delegate to an officer any matter which:
 - 2.10.1. has been reserved to the Full Council;
 - 2.10.2. has been reserved to Committee;
 - 2.10.3. may not by law be delegated to an Officer.

3. GENERAL FUNCTIONS TO BE DISCHARGED BY THE CHIEF EXECUTIVE AND DIRECTORS

- 3.1.** To take such action as may in his or her opinion be necessary or appropriate in connection with:
- 3.1.1. all operational management matters for these functions and service areas for which he or she has responsibility under this Constitution and the enforcement of all legislation relating to his/her functions and service areas;
 - 3.1.2. persons and/or property for which he or she and his or her service has responsibility;
 - 3.1.3. the implementation of decisions properly authorised by the Council or a board or committee of the Council or by an officer acting under delegated powers;
 - 3.1.4. the performance of any action for which he or she is specified as responsible in any policy, procedure or other document approved or adopted by the Council or a board or committee of the Council, or by an officer acting under delegated powers.
 - 3.1.5. The response to consultation documents following consultation with the relevant Committee Chair.
- 3.2.** To serve a requisition for information about an interest in land using powers relevant to the operation of the service area
- 3.3.** To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulation of Investigatory Powers Act 2000. The use of juveniles and vulnerable individuals as covert human intelligence sources shall only be authorised by the Chief Executive.
- 3.4.** To award contracts within budget up to the value of £100,000 unless the contract is in respect of a matter that has been previously approved by Full Council or Committee in which case the Director may award contracts of £100,000 or greater subject to it being within the approved budget for that scheme (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework).
- 3.5.** To sign contracts of a value below £50,000 or some other officer authorised by him or her to do so.
- 3.6.** And arising from his/her respective functions the Chief Executive and Directors are authorised:

- 3.6.1. To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures
- 3.6.2. To co-ordinate and monitor work through approved plans and policies, ensuring compliance with targets and performance to the relevant Committee
- 3.6.3. To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.
- 3.6.4. To ensure compliance with and discharge of all relevant legislation, Acts of Parliament orders, regulations and directives and the Council's policies and procedures (including all enforcement matters).
- 3.6.5. To provide and submit a bid for resources in accordance with the approved budget process.
- 3.6.6. To support members in their monitoring and community governance roles.
- 3.6.7. To recommend to the Head of Law and Governance the prosecution or instigation of any legal proceedings on behalf of the Council.
- 3.6.8. To issue licences and registrations relating to any of the approved functions.
- 3.6.9. To support the Council in the development of the Council's policy framework.
- 3.6.10. In the absence of the Chief Executive and in accordance with the agreed rota, to undertake on his/her behalf such actions as are required to enable the Council to fulfil its functions.

4. CHIEF EXECUTIVE

- 4.1.** To exercise the functions of the Authority's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:
 - 4.1.1. to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
 - 4.1.2. to give professional advice to all parties in the decision making process (i.e. Monitoring Bodies, the Council, Committees and Working Groups);
 - 4.1.3. to ensure that the Authority achieves and delivers its objectives; and
 - 4.1.4. to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).
- 4.2.** To co-ordinate, direct and monitor the Authority's initiatives to achieve Best Value in the delivery of its functions.
- 4.3.** To be responsible for performance review issues.
- 4.4.** To lead the Senior Management Team
- 4.5.** After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.6.** To suspend the Director of Services and Director of Finance and Transformation and Heads of Service where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct; the members of Policy Finance and Development Committee to be notified as soon as possible after the action is taken.
- 4.7.** To act as Returning Officer, Local, Acting or Deputy Returning Officer in:
 - 4.7.1. Local Elections
 - 4.7.2. Parliamentary Elections
 - 4.7.3. European Elections
 - 4.7.4. Police Commissioners' Elections
 - 4.7.5. Referenda
- 4.8.** To undertake the duties of Electoral Registration Officer.
- 4.9.** To consider and co-ordinate any investigation by the Local Government Ombudsman.
- 4.10.** To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.
- 4.11.** All activities in connection with the Council's Human Resources or civic/ceremonial function.
- 4.12.**

- 4.12.1. To determine all staffing matters in accordance with the Officer Employment Procedure Rules. This includes determining matters relating to structure (additions, reductions and other changes to the establishment) as she considers appropriate following consultation with the Leader and Deputy Leader.
- 4.12.2. The appointment, dismissal or discipline of staff, except in relation to those posts listed in paragraph 1.2 of the said Rules.
- 4.12.3. Where the decision of the Head of Paid Service taken under 4.12.1 above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Policy Finance and Development Committee, provided that the remit of the body shall be limited to decisions on financial matters only.
- 4.12.4. The Head of Paid Service may delegate the discharge of this function to another officer.
- 4.13.** To make interim appointments to fill vacancies, and to make interim designations as Chief Finance Officer and Monitoring Officer where a vacancy arises in such position, the term of each such appointment or designation not to extend beyond 18 months without the confirmation of the Appointments Committee.
- 4.14.** To authorise the use of juveniles and vulnerable adults as covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
- 4.15.** To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area.
- 4.16.** To make agreements with other local authorities and external agencies in compliance with the Council's CPRs for the placing of staff and joint working arrangements (including committing expenditure within authorised budgets).
 - 4.16.1 Performance management.
 - 4.16.2 Project management.
 - 4.16.3 Local strategic partnerships/LEPs.
 - 4.16.4 Risk management.
 - 4.16.5 Corporate complaints procedure.

5. DIRECTOR OF FINANCE AND TRANSFORMATION

- 5.1.** Accountancy services.
- 5.2.** National Land and Property Gazetteer.
- 5.3.** Finance, financial planning and procurement.
- 5.4.** Revenues and benefits:
 - 5.4.1. To administer all aspects of housing benefit and Council Tax benefit.
 - 5.4.2. To discharge the Authority's responsibilities for billing, collection and enforcement of Council Tax, non-domestic rates and all valuation matters
 - 5.4.3. To deal with demands and notices, liabilities, reliefs and exemptions, and for non-domestic rates to recommend to Policy Finance and Development Committee guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief and administer the scheme in accordance with the approved guidelines.
 - 5.4.4. In addition to the Head of Law and Governance to represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings involving the functions referred to cat 5.4.1. and 5.4.3 above.
- 5.5.** Property development.
- 5.6.** Property/facilities management and maintenance (non-housing).
- 5.7.** ICT.
- 5.8.** Street naming and numbering and replacement of street nameplates.
- 5.9.** Internal Audit.
- 5.10.** All activities in relation to the discharge of the Council's function as Local Planning Authority, including planning policy, development control, land reclamation and drainage.
- 5.11.** Subject to those matters reserved for decision by the Development Control Committee , to exercise all those functions for which the Council is responsible concerning town and country planning and development control set out in Regulation 2 and Schedule 1 of the Regulations and in particular:
 - 5.11.1. to agree non-material variations to conditions of permissions and consents where no objections have been received and no demonstrable harm would be caused to an interest of acknowledged importance;
 - 5.11.2. to decide details submitted in compliance with conditions on planning permissions;

- 5.11.3. to negotiate obligations under Section 106 of the Town and Country Planning Act 1990, including any obligations that may be required in connection with any appeal proceedings;
 - 5.11.4. to serve building preservation notices or listed building notices in an emergency.
- 5.12.** Subject to those matters reserved for decision by the Development Control Committee , to exercise all those functions for which the Council is responsible concerning the protection and treatment of hedgerows and the preservation of trees set out in Regulation 2 and Schedule 1 of the Regulations and in particular:
- 5.12.1. to give permission to cut down or lop trees protected by a tree preservation order or by virtue of their location in a conservation area;
 - 5.12.2. to determine complaints received under the provisions of the High Hedges Regulations 2005 and specify remedial action to resolve the complaint in accordance with the national guidance and initiate enforcement action as necessary.
- 5.13.** Subject to those matters reserved for decision by the Development Control Committee, to exercise all those functions for which the Council is responsible concerning public rights of way set out in Regulation 2 and Schedule 1 of the Regulations.
- 5.14.** All activities in relation to the discharge of the Council's functions as the Local Building Regulation Authority and "Building Control Body" (excluding street naming and numbering and replacement of street nameplates).
- 5.15.** Economic development and regeneration.
- 5.16.** Engineering design.
- 5.17.** Town centre management including markets/fairs (including farmers' markets).
- 5.18.** Awarding schedule of rates contracts.
- 5.19.** External resources, grants and bids support.
- 5.20.** To make or revoke a direction under Article 4 of the General Development Order 1995.
- 5.21.** To recommend the Full Council or Committee about the designation or extension of an area as a conservation area.
- 5.22.** To administer the Building Regulations.

6. DIRECTOR OF SERVICES

- 6.1.** All functions in relation to waste, recycling and street cleansing and street scene.
- 6.2.** Enforcement of byelaws and orders of the Council including car parking and street trading.
- 6.3.** Health and safety (internal).
- 6.4.** To exercise all those functions for which the Council is responsible concerning health and safety at work (other than in the Authority's capacity as an employer) set out in Regulation 2 and Schedule 1 of the Regulations.
- 6.5.** To exercise any function related to contaminated land.
- 6.6.** To inspect for a statutory nuisance and to investigate any complaint about the existence of a statutory nuisance.
- 6.7.** To serve an abatement notice for a statutory nuisance.
- 6.8.** To issue a closing order on a takeaway food shop.
- 6.9.** Communications and consultations.
- 6.10.** Media management, public relations and marketing.
- 6.11.** Corporate overview on diversity issues.
- 6.12.** Information management including Data Protection and Freedom Of Information.
- 6.13.** Elections and electoral registration.
- 6.14.** Legal services (without prejudice to the statutory role and function of the Monitoring Officer).
- 6.15.** Members' services and members' development.
- 6.16.** Strategic asset management including land sales.
- 6.17.** Administration of meetings of the Council, Boards, Committees and Sub-committees and typing and clerical services.
- 6.18.** All activities relating to the discharge of the function as a Licensing Authority under all relevant legislation.
- 6.19.** All activities in relation to the discharge of the environmental health function of the Council, including environmental protection/enforcement, occupational health and safety, food safety, animal welfare, environmental strategy, pest control, private sector housing (including affordable housing) and the appointment of Port Medical Officer(s) and/or Consultants for Communicable Disease Control.
- 6.20.** To grant and determine temporary lettings and licences of Council owned land and buildings.
- 6.21.** To enter into deeds of dedication on such terms as the Director sees fit.

- 6.22.** To agree perpetual and fixed term easements and wayleaves on such terms as the Director sees fit.
- 6.23.** To determine rent reviews and to instigate and participate in arbitrations.
- 6.24.** To agree terms for the surrender of leases.
- 6.25.** To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.26.** To agree terms for waiving covenants, whether freehold or leasehold.
- 6.27.** To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.28.** To make and settle claims for dilapidation.
- 6.29.** To appropriate land belonging to the Authority at proper value.
- 6.30.** To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £20,000.
- 6.31.** To dispose of freehold land where the market value does not exceed £30,000.
- 6.32.** Following consultation with Asset Management Group, to approve the Asset Management Policy.
- 6.33.** Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the Chair of the Policy, Finance and Development Committee).
- 6.34.** Subject to those matters reserved for decision by the Licensing and Regulatory Committee, the Licensing Sub-Committee and the Taxi and Private Hire Sub-Committee, to exercise all those functions for which the Council is responsible concerning licensing and registration and the grant of consents and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations including the determination of applications for licences, permits and registrations
- 6.35.** Cemeteries and burials.
- 6.36.** Public conveniences.
- 6.37.** Fleet management.
- 6.38.** Green space including allotments.
- 6.39.** Sanitation including cesspools, septic tanks, etc.
- 6.40.** All activities in relation to the discharge of the Council's function as Local Housing Authority.
- 6.41.** Social inclusion.
- 6.42.** Community safety and CCTV.

- 6.43.** Community health, development and social regeneration.
- 6.44.** Leisure facilities - management and operation including sports and recreation facilities.
- 6.45.** Cultural services.
- 6.46.** Arts, entertainment, heritage and tourism and tourist information.
- 6.47.** Sports and leisure development.
- 6.48.** Gypsies and travellers.
- 6.49.** Community enterprise.
- 6.50.** To operate the housing allocations scheme, allocate properties and make nominations to registered social landlords or other approved providers.
- 6.51.** To determine whether people are homeless and whether they are in priority need.
- 6.52.** To allocate temporary accommodation.
- 6.53.** To collect rent, arrears of rent, charges and sundry debts.
- 6.54.** In addition to the Head of Law and Governance, to institute, defend or participate in any legal proceedings in the county court insofar as they relate to:
 - 6.54.1. former tenant rent arrears, and
 - 6.54.2. rent possession hearings

and in conjunction with this to designate nominated officers to carry out this function on his or her behalf, including the signing of any related document necessary to any legal procedure or proceedings.
- 6.55.** To represent the Authority and appear as an advocate on the Authority's behalf in any related legal proceedings.
- 6.56.** To serve notice of seeking possession, notice to quit and applying for possession orders.
- 6.57.** To determine applications by tenants to alter their homes.
- 6.58.** To reimburse tenants for tenants' improvements.
- 6.59.** To transfer tenancies into joint names and vice-versa.
- 6.60.** To agree mutual exchange.
- 6.61.** To take immediate action to secure the removal of trespassers from housing land and property.
- 6.62.** To determine the eligibility of applicants to right to buy.
- 6.63.** To determine the future use of properties, including the redesignation, disposal or demolition of properties and to take such properties out of debit, subject to the approval by Full Council or Committee of such proposals.
- 6.64.** Enforcement of byelaws and orders of the Council.
- 6.65.** Land charges.

7. HEAD OF LAW AND GOVERNANCE

7.1. Monitoring Officer

- 7.1.1. To exercise the functions of the Authority's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 7.1.2. The Monitoring Officer is given delegated authority to make changes to the Constitution to reflect changes of fact and law, and decisions of the Council.

7.2. Legal Proceedings

- 7.2.1. Acting on the recommendations of the Chief Executive or a Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- 7.2.2. To negotiate and settle claims and disputes without recourse to court proceeding including the use of alternative dispute resolution.
- 7.2.3. To represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings.

7.3. Urgent Action

In any circumstances where urgent action is required, acting on the recommendation of the Chief Executive or a Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, or where otherwise duly authorised, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council and to take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the Authority to do so.

7.4. Authority to Sign Documents in Legal Proceedings

To sign the following on behalf of the Council:

- 7.4.1. Any document necessary in legal proceedings on behalf of the Council; and
- 7.4.2. Informations and complaints, and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless Statute provides otherwise.

7.5. Authority to Sign Contracts and Other Documents

To sign any contract and other documents whether under seal or not.

7.6. Arbitration

Acting on the recommendation of the Chief Executive or a Director, to refer contractual disputes to arbitration and to give agreement as to the appointment of such arbitrator.

7.7. Compensation

After consultation with the Chair of the Policy Finance and Development Committee, to make compensation payments of up to £500 to victims of maladministration.

7.8. Counsel

To instruct Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Authority.

7.9. Proper Officers

To designate "Proper Officers" for the purpose of particular statutory functions and to make any changes needed to the table at Section 11 of this Scheme.

8. SPECIFIC DELEGATION TO OFFICERS IN CONSULTATION WITH OTHERS

8.1. Chief Executive

- 8.1.1. In consultation with the Director of Finance and Transformation, to negotiate and conclude agreements under Section 106 of the Town and Country Planning Act 1990 along lines previously approved by Development Control Committee.
- 8.1.2. Subject to consultation with the Highway Authority and the police and ward members, to make orders under Section 21 of the Town Police Clauses Act 1847 relating to the temporary closures of streets and temporary direction of traffic.
- 8.1.3. Subject to consultation with ward members, the Finance and Business Transformation to make public path orders under the Town and County Planning Act 1990 and to confirm unopposed orders.
- 8.1.4. Subject to consultation with ward members, the Finance and Business Transformation to respond to consultations made by Leicestershire County Council with regard to proposed public footpath orders where the orders are unopposed.
- 8.1.5. To determine applications for bonfires on Council land subject to consultation with ward members, the Finance and Business Transformation as appropriate and Fire Officer.
- 8.1.6. Subject to consultation with the Directors and relevant Heads of Service and ward members, to approve and issue licences for the temporary use of Council owned land.
- 8.1.7. Following consultation with the Finance and Business Transformation, to reject applications to purchase Council owned land.
- 8.1.8. The approval of lease cars to employees.

8.2. Director of Finance and Transformation

- 8.2.1. To lodge objections with traffic commissioners against applications for haulage licences subject to consultation with ward members and to report to next Development Control Committee (in connection with those objections lodged by the Local Planning Authority).
- 8.2.2. In consultation with ward members, to make responses to Leicestershire County Council and the Highways Agency on traffic proposals.

9. DESIGNATED AUTHORISED OFFICERS

9.1. Signatories to Financial Documents

- 9.1.1. Chief Executive
- 9.1.2. Director of Finance and Transformation
- 9.1.3. Head of Finance, Revenues and Benefits
- 9.1.4. Head of Law and Governance

10. JOINT ARRANGEMENTS

The Council has entered joint arrangements with neighbouring District Councils for the enforcement of decriminalised parking.

11. PROPER OFFICER DESIGNATIONS

The relevant post holders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive
S.100 (except 100(D))	Admission of public (including press) to meetings	Head of Law and Governance

Legislative Provision	Function	Proper Officer
S.100(b)(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Head of Law and Governance
S.100(B)(7)	The officer to supply to newspapers copies of documents supplied to councillors	Head of Law and Governance
S.100(C)(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Head of Law and Governance
S.115(2)	Receipt of money due from officers	Director of Finance and Transformation
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Director of Finance and Transformation
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Director of Finance and Transformation
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Law and Governance
S.225	Deposit of documents	Head of Law and Governance
S.228(3)	Accounts for inspection by any member of the Council	Director of Finance and Transformation

Legislative Provision	Function	Proper Officer
S.229(5)	Certification of photographic copies of documents	Head of Law and Governance
S.236(9) and (10)	Sending of copies of byelaws County Council	Head of Law and Governance
S.238	Certification of byelaws	Head of Law and Governance
S.248	Officer who will keep the Roll of Freemen	Head of Law and Governance
Schedule 12		
Local Government Act 1972		
Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Head of Law and Governance
Schedule 14		
Para 25	Certification of resolution passed under this paragraph	Head of Law and Governance
Schedule 16		
Para 28	Deposits of lists of buildings of special architectural or historic interest	Director of Finance and Transformation
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		

Legislative Provision	Function	Proper Officer
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Head of Law and Governance
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director of Services
Representations of the People Act 1983		
S.9	Registration Officer	Chief Executive
S.24	Returning Officer for Local Elections	Chief Executive
S.28	Acting Returning Officer for a Parliamentary Election	Chief Executive
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
Local Elections (Parishes and Communities) Rules 1986		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Head of Law and Governance

Legislative Provision	Function	Proper Officer
S.3	Employers certificate for exemption from politically restricted posts	Chief Executive
S.4	Head of the Paid Service	Chief Executive
S.5	The Monitoring Officer	Head of Law and Governance
S.15	Officers to receive notices relating to membership of political groups	Head of Law and Governance
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Head of Law and Governance
Local Authorities (Standing Orders) (England) Regulations 2001		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3	Chief Executive
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive
Housing Act 1985		

Legislative Provision	Function	Proper Officer
S.606	Submission of reports on particular houses or areas by the Proper Officer	Director of Services

PART 4

RULES OF PROCEDURE

PART 4: RULES OF PROCEDURE

RULES OF PROCEDURE

CONTENTS

Council Procedure Rules

Access to Information Procedure Rules

Budget and Policy Framework Procedure Rules

Financial Procedure Rules

Contract Procedure Rules

Officer Employment Procedure Rules

COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- 1.1.1 elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;
- 1.1.2 elect the Mayor of the Council;
- 1.1.3 elect the Deputy Mayor of the Council;
- 1.1.4 approve the minutes of the last meeting;
- 1.1.5 receive any announcements from the Mayor and/or the Head of Paid Service;
- 1.1.6 elect the Leader and Deputy Leader of the Council
- 1.1.7 appoint all such Committees and Sub-Committees as the Council considers appropriate to deal with matters which are not reserved to the Council. (as set out in Part 3 of this Constitution);
- 1.1.8 agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- 1.1.9 approve a programme of ordinary meetings of the Council for the year; and
- 1.1.10 consider any business set out in the notice convening the meeting.

1.2 Appointment of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- 1.2.1 decide which committees and sub-committees to establish for the municipal year;
- 1.2.2 decide the size and terms of reference for those committees;
- 1.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.2.4 make appointments to outside bodies except where appointment to those bodies has been delegated by the Council;

1.2.5 appoint the Chairs and Vice-Chairs of Committees.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- 2.1 elect a person to preside if the Mayor and Deputy Mayor are not present;
- 2.2 approve the minutes of the last meeting;
- 2.3 receive any declarations of interest from Member;
 - 2.3.1 where such interests amount to a Disclosable Pecuniary Interest under the Localism Act 2011, the member must leave the meeting at the time the item arises and must not participate any further in the discussion or vote on that matter. Once the matter is concluded the member may return to continue the other business of the meeting;
- 2.4 receive any announcements from the Mayor, Leader or Chief Executive;
- 2.5 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;
- 2.6 receive petitions from the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;
- 2.7 receive reports from the Council's committees and receive questions and answers on those reports;
- 2.8 consider any other business specified in the summons to the meeting,
- 2.9 consider motions; and
- 2.10 deal with questions from Members in accordance with Rule 13.

3. **EXTRAORDINARY MEETINGS**

3.1 **Calling extraordinary meetings**

The Chief Executive may call Council meetings in addition to ordinary meetings and those listed below may request the Chief Executive to call additional Council meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Mayor of the Council;
- 3.1.3 the Monitoring Officer; or
- 3.1.4 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 **Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4. **TIME, PLACE AND DURATION OF MEETINGS**

4.1 **Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons. Council meetings will ordinarily meet in the Council Offices.

4.2 **Duration of Meetings**

4.2.1 At an ordinary meeting of the Council, when 3 hours have elapsed after the commencement of the meeting, the Mayor shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.

4.2.2 If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

4.2.3 During the process set out in paragraphs 4.2.1 and 4.2.2 above the only other motions which may be moved are that a matter be withdrawn under Rule 16.8, that a particular Rule be suspended under Rule 24.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 15.

4.2.4 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

5. **NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. **CHAIR OF MEETING**

6.1 The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

6.2 An item of business may not be considered by the Chair of a meeting unless:-

(a) a copy of the agenda including the item is open to inspection by members of the public for at least five clear working days (before the meeting or where the meeting is convened at shorter notice, from the time the meeting is convened); or
(b) by reason of special circumstances (which shall be specified in the minutes), the Chair of the meeting is of the opinion that the item should be considered as a matter of urgency.

- 6.3 The order of business can be altered by the Chair, if agreed by all members present.
- 6.4 The Chair of any committee or sub-committee may withdraw any item or report from the Agenda.
- 6.5 The Leader, Deputy Leader or any other member present may propose a motion to withdraw any item or report on the Agenda at Council.

7. **QUORUM**

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of Members who have the right to vote at that meeting, provided that no business shall be transacted at any meeting if less than three persons entitled to vote are present.
- 7.2 During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. **CANCELLATION OF MEETINGS**

The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Chief Executive will consult with the Leader of the Council and the appropriate Chair. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

9. **RECORDED MEETINGS**

- 9.1 Members of the public and press may film, photograph or make sound recordings etc of proceedings at council meetings in accordance with the Openness of Local Government Bodies Regulations 2014.

10. **QUESTIONS BY THE PUBLIC**

10.1 **General**

- 10.1.1 At the discretion of the Mayor, members of the public may ask questions of members at ordinary meetings of the Council.
- 10.1.2 The total time allocated for questions by the public should be limited to 30 minutes.

10.2 **Order of questions**

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

10.3 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than mid-day 5 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

10.4 **Number of questions**

10.4.1 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

10.4.2 One supplementary question may also be asked.

10.5 **Scope of questions**

The Head of Law and Governance may reject a question if it:

10.5.1 is not about a matter for which the Council has a responsibility or influence over or which directly affects the Borough ;

10.5.2 is defamatory, frivolous or offensive;

10.5.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months;

10.5.4 requires the disclosure of confidential or exempt information.

10.5.5 is about a planning or licensing matter.

10.6 **Record of questions**

10.6.1 The Head of Law and Governance will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put.

10.6.2 Rejected questions will include reasons for rejection.

10.6.3 Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

10.7.1 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.7.2 There will be a maximum of 5 minutes in which the questioner asks his/her question, receive a response, ask a supplementary question and receive a response subject to the Chair's discretion.

10.8 **Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 10.5 above.

10.9 **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11. **PETITIONS FROM THE PUBLIC**

11.1 The Council has formally adopted a Petition Scheme.

11.2 Without prejudice to the generality of the provisions below, the Scheme sets out in greater detail the process and the signature threshold for receipt of petitions and how petitions will be dealt with.

11.3 A copy of the Petition Scheme is available from the Head of Law and Governance. It is also available on the Council's website.

11.4 **Notice of Petition**

If a citizen wishes to present a petition to a Council meeting, notice must be given at least 5 clear working days before the meeting. Petitions to be debated at the Council Meeting will have been selected according to the Petitions Scheme.

11.5 **Presentation of Petitions**

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

11.6 The Council will then debate the petition for a maximum of 20 minutes.

11.7 The Council will decide how to respond to the petition at the meeting. Such response may include:

11.7.1 take the action the petition requests;

- 11.7.2 not to take the action requested;
- 11.7.3 or commission further investigation into the matter, e.g. by the relevant Committee;
- 11.7.4 the petition organiser will receive written confirmation of this decision which will also be published on the Council website.

11.8 **Number of Petitions**

At any one meeting no person or organisation may present more than one petition.

11.9 **Scope of Petitions**

The Head of Law and Governance may reject a petition if it:

- 11.9.1 does not qualify under the Scheme;
- 11.9.2 it is vexatious, abusive or otherwise inappropriate;
- 11.9.3 it is a petition qualifying under another enactment;
- 11.9.4 it is excluded by order;
- 11.9.5 it relates to a planning decision;
- 11.9.6 it relates to a licensing decision;
- 11.9.7 it relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

11.10 **Scope of Petitions**

12. **DEPUTATIONS BY THE PUBLIC**

- 12.1 Deputations may be received at any meeting of the Council following five clear days' written notice to the Head of Law and Governance.
- 12.2 They must be about matters for which the Council has a responsibility or influence over or which affect the Borough.
- 12.3 The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it is relates to the Council's functions or affects the Borough.
- 12.4 The Chair may, on the advice of the Chief Executive, refuse a deputation which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- 12.5 A person wishing to make a deputation must give written notice to the Head of Law and Governance no later than midday five clear days before the day of the meeting.

- 12.6 A maximum of two deputations only will be permitted at any meeting and they will be selected in the order notice is received. Only one deputation will be permitted if the Head of Law and Governance receives notice of a petition under Rule 11.
- 12.7 A deputation may consist of up to five people, of whom no more than two may speak, except to answer members' questions.
- 12.8 The deputation may address the meeting for no more than five minutes and members may then question the deputation for a further five minutes.

13. **QUESTIONS BY MEMBERS**

13.1 **On reports of Committees**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Mayor, the Leader of the Council or the Chair of a Committee or Sub-Committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

13.2 **Questions on notice at full Council**

Subject to Rule 13.4, a Member of the Council may ask:

13.2.1 the Mayor;

13.2.2 The Leader of The Council; or

13.2.3 The chair of any committee or sub-committee,

a question on any matter in relation to which the Council has powers or duties or which affects the Borough .

13.3 **Questions on notice at Committees and Sub-Committees**

Subject to Rule 13.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that committee or sub-committee.

13.4 **Notice of questions**

A member may ask a question under Rule 13.2 or 13.3 if either:

13.4.1 they have given notice of the question in writing or by electronic mail no later than mid-day 5 working days before the day of the meeting to the Head of Law and Governance; or

13.4.2 the question relates to urgent matters, they have the consent of the Mayor or member to whom the question is to be put and the content of the question is given to the Head of Law and Governance by mid-day on the day of the meeting.

13.5 **One Question per Member**

A Member may ask only one question under Rule 13.2 or 13.3 except with the consent of the Mayor of the Council, committee or sub-committee.

13.6 **Order of Questions**

Questions of which notice has been given under Rule 13.2 or 13.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee.

13.7 **Content of Questions**

Questions under Rule 13.2 or 13.3 must, in the opinion of the Mayor:

- 13.7.1 contain no expressions of opinion;
- 13.7.2 relate to matters on which the Council has or may determine a policy;
- 13.7.3 not relate to questions of fact.

13.8 **Scope of Questions**

The Head of Law and Governance may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which directly affects the Borough;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) requires the disclosure of confidential or exempt information;
- (v) about a planning or licensing matter.

13.9 **Response**

An answer may take the form of:

- 13.9.1 a direct oral answer at the meeting;
- 13.9.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- 13.9.3 where the reply cannot conveniently be given orally, a written answer circulated within 10 clear working days to the questioner.

13.10 **Supplementary question**

A Member asking a question under Rule 13.2 or 13.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

13.11 **Length of Speeches**

A Member asking a question under Rule 13.2 or 13.3 and a Member answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.

13.12 **Time Allowed for Questions at Council Meetings**

13.12.1 The time allowed for consideration of questions submitted under Rule 13.2 shall not, without the consent of the Mayor, exceed 20 minutes.

13.12.2 At the conclusion of the answer to the question under consideration at the expiry of 20 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Mayor shall conclude that part of the meeting.

13.12.3 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

14. **MOTIONS ON NOTICE**

14.1 **Notice**

14.1.1 Except for motions which can be moved without notice under Rule 15, and any motion to remove the Leader from office as Leader, written notice of every motion, must be delivered to the Head of Law and Governance not later than mid-day on the fifth clear working day before the Council meeting at which it is to be considered.

14.1.2 In the case of any motion for the removal of the Leader from office, written notice signed by at least one quarter of the Councillors must be delivered to the Chief Executive not later than 10 clear working days before the date of the meeting. Any such motion shall be carried only if at least two thirds of the members present at the meeting are in favour.

14.1.3 Motions received will be entered in a book open to public inspection.

14.2 **Motion set out in agenda**

13.2.1 Motions for which notice has been given will be listed on the Agenda in the order which notice was received, unless the Councillor giving notice states, in writing, that he or she proposes to move it to a later meeting or withdraw it.

13.2.1 Subject to a written proposal by the Councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

13.3 **Scope**

Motions must be about matters for which the Council has a responsibility or influence over or which directly affect the Borough.

14.3 **One Motion per Member**

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

14.4 **Time Allowed for Motions**

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Mayor, exceed 20 minutes. At the conclusion of the speech being delivered at the expiry of 20 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- 14.4.1 if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);
- 14.4.2 if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- 14.4.3 otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

15. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- 15.1 to appoint a Chair of the meeting at which the motion is moved;
- 15.2 in relation to the accuracy of the minutes;
- 15.3 to change the order of business in the agenda;
- 15.4 to refer something to an appropriate body or individual;
- 15.5 to appoint a committee or member arising from an item on the summons for the meeting;
- 15.6 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 15.7 to withdraw a motion;
- 15.8 to amend a motion,
- 15.9 to proceed to the next business;
- 15.10 that the question be now put;
- 15.11 to adjourn a debate;

- 15.12 to adjourn a meeting;
- 15.13 to suspend a particular Council Procedure Rule;
- 15.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 15.15 to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4; and
- 15.16 to give the consent of the Council where its consent is required by this Constitution.

16. **RULES OF DEBATE**

16.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

16.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed.

16.3 **Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

16.4 **Content and length of speeches**

16.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

16.4.2 A speech by the mover of a motion may not exceed five minutes without the consent of the Mayor.

16.4.3 Subject to paragraph 16.4.4 below, speeches by other Members may not exceed three minutes without the consent of the Mayor.

16.4.4 When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to five minutes or such longer period as the Mayor shall allow.

16.5 **When a Member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

16.5.1 to speak once on an amendment moved by another member;

16.5.2 to move a further amendment if the motion has been amended since he last spoke;

- 16.5.3 if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- 16.5.4 in exercise of a right of reply;
- 16.5.5 on a point of order; and
- 16.5.6 by way of personal explanation.

16.6 **Amendments to motions**

- 16.6.1 An amendment to a motion must be relevant to the motion and will either be:
 - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words
 - (e) as long as the effect of (b) to (d) is not to negate the motion.
- 16.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 16.6.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 16.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 16.6.5 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

16.7 **Alteration of motion**

- 16.7.1 A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 16.7.2 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 16.7.3 Only alterations which could be made as an amendment may be made.

16.8 **Withdrawal of motion**

A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

16.9 **Right of reply**

16.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

16.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

16.9.3 The mover of the amendment has no right of reply to the debate on his amendment.

16.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

16.10.1 to withdraw a motion;

16.10.2 to amend a motion;

16.10.3 to proceed to the next business;

16.10.4 that the question be now put;

16.10.5 to adjourn a debate;

16.10.6 to adjourn a meeting;

16.10.7 to exclude the public and press in accordance with the Access to Information Procedure Rules; and

16.10.8 to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

16.11 **Closure motions**

16.11.1 A Member may move, without comment, the following motions at the end of a speech of another Member;

(a) to proceed to the next business;

(b) that the question be now put;

(c) to adjourn a debate; or

(d) to adjourn a meeting.

- 16.11.2 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 16.11.3 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- 16.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

16.12 **Point of order**

A point of order is a request from a member to the Mayor to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

16.13 **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

17. **PREVIOUS DECISIONS AND MOTIONS**

17.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 5 members. This does not apply to the Development Control committee and Licensing sub-committees.

17.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. **VOTING**

18.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

18.2 **Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

18.3 **Method of Voting**

18.3.1 Unless a recorded vote is demanded under Rule 18.4 the Mayor will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting except that;

18.3.2 Recorded votes must be taken at a budget decision meeting of the Council where it:

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act.

18.4 **Recorded vote**

If at least one half of the whole number of members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

18.5 **Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. **MINUTES**

19.1 **Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Officers will circulate to the Mayor the draft minutes within ten clear working days of the meeting.

19.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

19.3 **Form of minutes**

Minutes will contain all motions and amendments in the form and order the Mayor put them.

20. **RECORD OF ATTENDANCE**

The attendance of all members and officers present during the whole or part of every meeting will be recorded. All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

21. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

22. **MEMBERS' CONDUCT**

22.1 **Speaking at meetings**

When a Member speaks at full Council he/she must address the meeting through the Mayor. If more than one member signifies their intention to speak, the Mayor will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

22.2 **Mayor speaking**

When the Mayor speaks during a debate, any member speaking at the time must stop.

22.3 **Member not to be heard further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.4 **Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

22.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

23. DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

23.3 Banners, placards, etc

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chair may require any to be removed.

23.4 Recording of Meetings

Members of the public and press may film, photograph or make sound recordings etc of proceedings at council meetings in accordance with the Openness of Local Government Bodies Regulations 2014 and the Council's adopted recording protocol.

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

All of these Council Rules of Procedure except Rule 16.6 and this Rule may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 7, 13 - 16, 17 - 25 (but not Rule 22.1) apply to meetings of committees and sub-committees.

The Council has adopted a Scheme for speaking at the Development Control Committee.

26. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES

26.1 The Council has formally adopted a Members' Substitute Scheme.

26.2 Without prejudice to the generality of the provisions below, the Scheme sets out in greater detail the application, nomination and appointment, attendance and voting procedures.

26.3 A copy of the Petition Scheme is available from the Head of Law and Governance. It is also available on the Council's website.

26.4 **Application**

The scheme will apply to all committees, sub-committees and working groups of the Council except

- (i) the Assessment, Determination and Review Sub-Committees; and
- (ii) The Licensing Sub-Committee;
- (iii) Private Hire and Taxi Licensing Sub-Committee.

26.5 **Nomination and Appointment**

The Council, when establishing appointments to committees and working groups of the Council, will also appoint substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.

26.6 **General Powers and Duties**

Appointed Substitutes will be permitted to attend any Council meeting or Panel and vote on behalf of the Member they are replacing.

26.6.1 A list of substitute Members will be agreed by the relevant Political Parties and forwarded to the Chief Executive and Head of Law and Governance.

26.6.2 Substitutes for the Development Control Committee and Licensing and Regulatory must have received training before they can sit as a substitute.

26.6.3 Substitute members will have the powers and duties of any ordinary member but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

26.7 **Substitution**

Substitute members may attend meetings in that capacity only:

26.7.1 to take the place of the ordinary Member for whom they are the designated substitute

26.7.2 where the ordinary Member will be absent for the whole of the meeting, and

26.7.3 after notifying the Head of Law and Governance by 5.00pm before the last clear working day before the meeting, subject to limited exceptions;

26.7.4 If the ordinary Member is not absent for the whole meeting, the substitute Member may not attend in that capacity. This does not take away the Member's right to attend in any other capacity allowed as below.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

- 1.1 Subject to paragraph 1.2 below, these rules apply to all meetings of the Council, its Committees and Sub-Committees.
- 1.2 Where the Policy, Finance and Development Committee is convened to consider or review, as the case may be, an allegation that a member has contravened the Council's Code of Conduct for Members, the provisions set out in the Policy, Finance and Development Committee's Procedure for Local Assessment of Complaints shall apply and the meeting and papers will not be open to the public.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998 (2018).

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.
- 3.2 If a member of the public or press interrupts the proceedings at any meeting the Mayor may warn him. If he continues the interruption and a warning has been given, the Mayor may order his removal from the meeting place.
- 3.3 In the event of a general disturbance in any part of the meeting place open to the public, the Mayor may order that part to be cleared.
- 3.4 If the Mayor considers the orderly dispatch of business impossible, he may without question adjourn the meeting.
- 3.5 The above powers of the Mayor are in addition to any other power vested in him/her.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at Council Offices Station Road Wigston Leics LE18 2DR and on its website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and available on the website (if any) at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the Head of Law and Governance shall make each such report available to the public as soon as the report is completed and sent to Councillors).

6. **SUPPLY OF COPIES**

6.1 **Supply of Copies at the Meeting**

The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (save during any part of the meeting to which the public are excluded)

6.2 **The Council will supply copies of:**

- 6.2.1 any agenda and reports which are open to public inspection;
- 6.2.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 6.2.3 if the Head of Law and Governance thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. **ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- 7.1 the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 7.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 7.3 the agenda for the meeting; and
- 7.4 reports relating to items when the meeting was open to the public.

8. **BACKGROUND PAPERS**

8.1 **List of background papers**

The Officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:

- 8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 8.1.2 which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 **Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at Council Offices Station Road Wigston Leics LE18 2DR.

10. **EXCLUSION OF ACCESS OF THE PUBLIC TO MEETINGS**

10.1 **Extent of Exclusion**

The public may only be excluded under 10.2 or 10.3 for the part or parts of the meeting during which it is likely that confidential or exempt information would be divulged.

10.2 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.3 **Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Such a decision to exclude the public is to be made by resolution of the relevant decision making body.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 **Meaning of confidential information**

Confidential information means information given to the Council by a Government Service or Agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

10.5 **Meaning of exempt information**

Exempt information means information falling within the following categories (subject to any qualification)

10.6 **Extent of Exclusion**

The public may only be excluded under 10.1 or 10.3 for the part or parts of the meeting during which it is likely that confidential or exempt information would be divulged.

[NOTE Information falling within any of paragraphs 1 – 7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.]

Category	Qualification	Interpretation
Information relating to any individual	The exemption applies only if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (see note on public interest at the end of the table).	
Information which is likely to reveal the identity of an individual	The Public Interest Test Qualification applies, as in 1 above.	
Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>The Public Interest Test Qualification applies, as in 1 above.</p> <p>"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under -</p> <ul style="list-style-type: none"> the Companies Act 2006; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986 ["registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within 	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.</p>

Category	Qualification	Interpretation
	<p>the meaning of that Act).]; or</p> <p>the Charities Act 2011.</p>	
<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connect with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or document the question whether information is exempt or not falls to be determined.</p> <p>"labour relations matter" means-</p> <p>any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>"employee" means a person employed under a contract of service;</p> <p>"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the</p>

Category	Qualification	Interpretation
		authority;
Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The Public Interest Test Qualification applies, as in 1 above.	
Information which reveals that the authority proposes- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	The Public Interest Test Qualification applies, as in 1 above.	Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. "person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.
Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The Public Interest Test Qualification applies, as in 1 above.	
Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.		

NOTE -The Public Interest Test

The Public Interest Test in the Freedom of Information (FOI) Act 2000 is specifically defined –

The Authority must release the information unless "*in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information*".

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations.

- There is a distinction between the public interest and what merely interests the public.

- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 11.1 If the Head of Law and Governance thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. If the information is exempt information, the category of the exempt information must also be marked on the report.
- 11.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by resolution. Arrangements will be made to recall the press and public immediately should the motion not be passed.
- 11.3 If the matter is considered in public, any related report will also become available to the public.

12. Additional Rights of Access for Members

12.1 Material relating to business to be transacted at a Public Meeting

12.1.1 All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its Committees which contain material relating to any business to be transacted at a public meeting unless (a), (b) or (c) applies:

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information; or
- (b) it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (c) it contains the advice of a mayoral/political assistant.

12.1.2 Any document which is required by Rule 12.1.1 to be available for inspection by any member of the Council must be available for such inspection for at least five (5) clear days before the meeting except that-

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and

- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Rule 12.1.1 in relation to that time, must be available for inspection when the item is added to the agenda.

12.2 **Material relating to previous business**

12.2.1 All members will be entitled to inspect any document (except those available only in draft form) which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting or to any decision made by a Member or Officer in accordance with executive arrangements unless 12.1.1(a), 12.1.1(b) or 12.1.1(c) applies.

12.2.2 Any document required to be made available for inspection under 12.2 must be made available when the relevant meeting concludes or, where an executive decision is made by an individual member or officer, immediately after the decision has been made, and in any event, within twenty four (24) hours of the conclusion of the meeting or the decision having been made as the case may be.

Nature of rights

These rights of a member are additional to any other right he/she may have.

- PROCEDURE FOR WARD MEMBERS TO BE NOTIFIED OF SENSITIVE ISSUES IN THEIR WARDS
- Local ward members to be invited to public meetings on local issues
- Local ward members to be notified at the outset of a local consultation exercise eg parks and open spaces
- Officers to notify a local ward member of potentially controversial local issues within a report to Council or a committee and if requested, to supply a copy of the final report to the ward member, where they do not sit on the committee receiving the report. (other ward issues, the member may request a copy of the report after having seen a copy of the agenda)
- Local ward members to be notified of press releases relating to a specific ward issue

Unless considered urgent, when verbal notification will be given, members will be notified by email.

13. **MEMBERS OTHER RIGHTS TO INFORMATION**

13.1 A Member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council including background papers. Applications should be made to the Head of Law and Governance and, if available, copies will be supplied upon request.

13.2 A member shall not knowingly inspect or request a copy of any document relating to a matter in which he:

- 13.2.1 is professionally interested; or

13.2.2 has a registerable or non-registerable personal interest within the meaning of the Code of Conduct for Members as set out in this Constitution.

13.3 This shall not preclude the Head of Law and Governance from declining to allow inspection of any document which is or would be protected by privilege in the event of legal proceedings arising from the relationship of solicitor and client and should be exempt under either the Freedom of Information Act or the Data Protection Act.

13.4 All reports, background papers to reports and minutes kept by any committee shall be open for the inspection of any member of the Council, as soon as the committee has concluded action on the matter to which such reports or minutes relate.

14. **CONFIDENTIAL AND EXEMPT INFORMATION.**

14.1 Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

14.2 Nothing in these Rules:

14.2.1 authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Head of Law and Governance, that document or part of a document contains or may contain confidential information; or

14.2.2 requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political advisers or assistant.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. PROGRAMME SET BY COUNCIL

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Policy Finance and Development Committee and Officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1 The process by which the budget and policy framework shall be developed is:
- 2.2 Each year the Council will agree a process for the development of the annual budget and policy framework. The programme will be widely published.
- 2.3 The Policy Finance and Development and Committee will prepare the Council's budget, after full consideration of financial and policy matters arising from 2.2, and will make recommendations to the Council regarding development.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1 Subject to the provisions of paragraph 5 (virement) if any committee or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 3 below.
- 3.2 If committees and any officers want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 3 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 A Committee or Senior Officers may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency where:
 - 4.1.1 if it is not practical to convene a quorate meeting of the full Council; and
 - 4.1.2 if the Chair of the Policy Finance and Development Committee agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the must be noted on the record of the decision. In the absence of the Chair of the Policy Finance and Development Committee the consent of the Leader and in the absence of both the Deputy Leader of the Council will be sufficient.

- 4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **VIREMENT**

- 5.1 Steps taken by a committee or officers, shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads subject to the following constraints.
- 5.2 Virement is permitted between budgets for revenue and capital expenditure in accordance with the Virement Authorisation Limits as set out at para. 6.3. of the Financial Procedure Rules. The transfer of revenue budgets will exclude those relating to employees, recharges, capital charges and income.

6. **IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions Policy Finance and Development Committee and officers must be in line with it. No changes to any policy or strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- 6.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- 6.2 necessary to ensure compliance with the law, ministerial direction or government guidance;
- 6.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- 6.4 which will result in the settlement of costs awarded against the Council or tribunal or court action or threat of action in any matter which, if not settled, would put the council at real risk of greater prejudice.
- 6.5 for which provision is made within the relevant budget or policy.

FINANCIAL PROCEDURE RULES

INTRODUCTION

These Regulations have been adopted by the Council and form an essential part of the control framework within which the Council operates. Each section includes general guidelines to staff on the practical application of the Regulations. Useful contacts are also included in each section of this document.

These Regulations are designed to ensure that financial decisions are taken in a considered and informed manner by assuring that consistent, high quality financial information is available to Members and Officers. In this way we can be confident that financial management ensures that the Council's objectives are met in an economical, effective and efficient way whilst still maintaining the highest levels of accountability.

The Regulations should be used in conjunction with Contract Procedure Rules which document important rules concerning the conduct of Council staff and the procedures they must follow. The general principals contained in the Regulations may be supplemented by detailed procedures specified by or agreed with the Chief Financial Officer. Responsibility for approving and recommending changes to the financial control framework rests with the Chief Financial Officer who will be pleased to receive any comments on the operation of the Financial Regulations or Contract Procedure Rules.

All staff are bound by these Regulations and will be affected by them to some degree depending on their duties. Training will be provided for those staff who are regularly involved in the application of Financial Regulations or Contract Procedure Rules.

Management Team and Heads of Service will be responsible for ensuring that appropriate officers/employees:

- (a) Receive a full copy of these Regulations, where appropriate
- (b) Receive appropriate training in order that they understand and comply with the Regulations.

Every officer has a responsibility to read and be familiar with these Regulations.

1. STATUS

1.1 What are Financial Procedure Rules?

- 1.1.1 Section 151 of the Local Government Act 1972 states that "every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.
- 1.1.2 Financial Procedures provide the framework for managing the Council's financial affairs. Financial Procedures are supported by more detailed Financial Management Standards which set out how the procedures will be implemented. These are listed in Appendix A.

- 1.1.3 The procedures identify the financial responsibilities of the full Council, the Executive and officers.
- 1.1.4 To avoid the need for regular amendment due to changes in post
 - (a) titles generic terms are included for officers as follows:
 - (b) The term, "Chief Finance Officer," refers to the Section 151 Officer who is currently the Director of Corporate Resources.
 - (c) The term, "Chief Officers", refers to the Council's Chief Executive, the Corporate Directors and the Assistant Chief Executive.
 - (d) The term, "Monitoring Officer", is currently the Head of Law and Governance .
 - (e) The term, "Chief Internal Auditor", refers to the .

1.2 **Why are they important?**

- 1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice.. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.
- 1.2.2 Good, sound financial management is a key element of Corporate Governance which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 1.2.3 Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.
- 1.2.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.
- 1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

1.3 **Who do Financial Procedures apply to?**

- 1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.

- 1.3.2 These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.
- 1.3.3 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

1.4 **Who is responsible for ensuring that they are applied?**

- 1.4.1 Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by his/her staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.
- 1.4.2 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Executive Members.
- 1.4.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- 1.4.4 Any person charged with the use or care of the Council's resources and assets should inform him or herself of the Council's requirements under these Financial Procedure Rules. If anyone is in any doubt as to their obligations, then they should seek advice.
- 1.4.5 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

2. **FINANCIAL MANAGEMENT – GENERAL ROLES AND RESPONSIBILITIES**

2.1 **The Role of the Full Council**

The Council is responsible for:

- 2.1.1 The adoption and revision of these Financial Procedure Rules;
- 2.1.2 The determination of the Policy Framework and Budget within which the Executive works;
- 2.1.3 Providing the Chief Finance Officer with sufficient staff, accommodation and other resources to carry out his or her duties; and
- 2.1.4 approving and monitoring compliance with the Council's overall framework of accountability and control.

2.2 **The Role of the Chief Finance Officer**

2.2.1 The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- (a) Section 151 of the Local Government Act 1972
- (b) The Local Government Finance Act 1988
- (c) The Local Government and Housing Act 1989
- (d) The Accounts and Audit Regulations 2011.

2.2.2 The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- (a) The proper administration of the Council's financial affairs.
- (b) Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the full Council for approval.
- (c) Annually reviewing and updating, and monitoring compliance with financial management standards.
- (d) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- (e) Providing training for Members and officers on Financial Procedures and Financial Management Standards.
- (f) Determining accounting policies and ensuring that they are applied consistently.
- (g) Determining accounting procedures and records of the Council.
- (h) Reporting, where appropriate, breaches of the Financial Procedures to the Council and/or Executive.
- (i) Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- (j) Ensuring the provision of an effective Internal Audit Function.
- (k) Ensuring the provision of an effective Treasury Management Function.
- (l) Advising on risk management.
- (m) Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- (n) Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.

- (o) Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- (p) Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK: A Statement of Recommended Practice (SORP).
- (q) Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- (r) Ensuring that proper professional practices, standards and ethics are adhered to.
- (s) Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- (t) The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

2.2.3 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council and to the External Auditors if the Council or one of its officers:

- (a) Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- (b) Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- (c) Is about to make an unlawful entry in the Council's accounts.

2.2.4 Section 114 of the 1988 Act also requires:

- (a) The Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- (b) The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.

2.2.5 The Chief Finance Officer,

- (a) is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure that the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and procedures

necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.

- (b) shall be given access to any information as is necessary to comply with his/her statutory duties and with the requirements and instructions of the Council.
- (c) shall be entitled to attend and report on financial matters directly to the Council, the Executive, and any committees or working groups the Council may establish.
- (d) shall be sent prior notice of all meetings of the Executive and all Council bodies together with full agendas and reports and shall have authority to attend all meetings and take part in the discussion if he/she so desires

2.3 **The Role of Heads of Service**

2.3.1 Heads of Service are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

2.3.2 Heads of Service are responsible for:

- (a) Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Chief Finance Officer.
- (b) Ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- (c) Consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.
- (d) Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.
- (e) Inform immediately the Chief Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets.

3. **BUDGET SETTING - CAPITAL**

3.1 The detailed form of the Capital Programme shall be determined by The Chief Financial Officer.

3.2 The Chief Financial Officer, in conjunction with Management Team and Heads of Service, shall submit to the Policy, Finance and Development Committee the estimates of capital payments to be incurred in the ensuing financial years.

- 3.3 The Policy, Finance and Development Committee shall consider the overall capital programme and the resources available, make amendments as thought fit, and shall recommend an overall programme to Council.
- 3.4 All new schemes, prior to inclusion in the capital programme, must first have been considered as part of the Service and Financial Planning process. This must include details of the objectives of the scheme, the resources required, the timescale and the revenue implications. The de minimis level for a scheme to be considered as a capital scheme has been set at £3,000.
- 3.5 Any proposal to amend a project beyond its current policy or include a new project in the capital programme must be considered by the Council in accordance with the Budget and Policy Framework, included in the Constitution. Amendments to an existing project solely involving budgetary change which is being met from the virement process can be approved in accordance with Section 6 of these Regulations. Supplementary capital estimates must be sought from the Policy, Finance and Development Committee where sufficient budgetary provision is not available.
- 3.6 The inclusion of a scheme in the approved Capital Programme shall constitute authority to incur expenditure with the exception of schemes of a budgeted value exceeding £250,000 which shall be specifically reported to the Policy, Finance and Development Committee for approval to progress.
- 3.7 However, when the in year capital programme exceeds the resources available at the 1 April of that year, any scheme partly or wholly funded from capital receipts may not commence unless identified in the capital programme. All other schemes partly/wholly funded from capital receipts must not be implemented unless specific Policy, Finance and Development Committee approval is agreed and the funding for the scheme is identified.
- 3.8 The Management Team and Heads of Service monitor the delivery of capital schemes, capital expenditure and resources.

4. BUDGET SETTING – REVENUE

- 4.1 The detailed form of the Revenue Budget shall be determined by The Chief Financial Officer.
- 4.2 Revenue budgets include the General Fund Revenue Account and Housing Revenue Account.
- 4.3 The Chief Financial Officer, in consultation with the relevant Heads of Service, shall prepare revenue estimates. These estimates shall be submitted by The Chief Financial Officer and shall detail estimates of expenditure and income for the ensuing financial year and current year. The estimates shall show in respect of each item of expenditure and income:
- 4.3.1 Actual results for the last financial year.
 - 4.3.2 Original and working budgets for the current financial year.
 - 4.3.3 Original estimate for the following financial year.

In relation to (4.3.2) and (4.3.3) above, The Chief Financial Officer or the appropriate Heads of Service shall report on the reasons for material variations.

- 4.4 The Council shall approve a strategy for fees and charges in line with the Council's overall policies for the coming year. The detailed fee increases will be submitted to the relevant Service Committee before being recommended to the Policy, Finance and Development Committee. Heads of Service will implement changes to fees and charges in accordance with this strategy and the scheme of delegation. The Committee is required to approve Heads of Service proposals in respect of fees and charges where these are not in accordance with the approved strategy.
- 4.5 The Policy, Finance and Development Committee shall consider the overall revenue budget and the sources available, make amendments as thought fit, shall consult with the Service Delivery and Overview and Scrutiny Committees, and shall recommend an overall budget to the Full Council.
- 4.6 It is the responsibility of The Chief Financial Officer to advise the Policy, Finance and Development Committee and/or the Full Council on prudent levels of reserves for the Authority. This will be based on a risk assessment of General Fund and Earmarked reserves.

5. SUPPLEMENTARY ESTIMATES

- 5.1 Supplementary estimates reduce the Council's reserves, and therefore must be used sparingly so as to not jeopardise the Council's Financial Strategy. Service should endeavour to find the resources from their own budgets, financing the project or variance through budget virement (see Section 6 of these Regulations). Supplementary estimates should represent a last option for financing a project or variance.
- 5.2 The Chief Financial Officer can approve Supplementary Estimates up to £10,000 in consultation with the Chief Executive, from £10,001 but less than £30,000 in consultation with the Chair of Policy, Finance and Development Committee. Supplementary Estimates above these levels, either individually or cumulatively, require the approval of Policy, Finance and Development Committee.
- 5.3 A Supplementary Estimate shall only be requested from the Policy, Finance and Development Committee where expenditure will be incurred that cannot be accounted within a budget head by way of virement. In this context, any reduction to income shall be deemed to be expenditure, except where it relates to seasonal or periodic variations which are not anticipated to affect the annual budgeted figure.
- 5.4 The Policy, Finance and Development Committee can approve supplementary estimates or as part of the quarterly revenue budget monitoring report to the Committee.

6. BUDGETARY CONTROL

CONTACT: Chief Financial Officer

- 6.1 The Chief Financial Officer shall make available to Management Team and Heads of Service, information concerning all income and expenditure falling within their respective

responsibilities and such other information that may be relevant. This information shall allow comparison between actual expenditure, including committed expenditure, against the current budget.

- 6.2 Each Head of Service is responsible for ensuring that all expenditure and income is processed in a timely manner and charged to an appropriate account code to enable budgetary control information to be produced as per 5.1 above.
- 6.3 Each Head of Service is responsible for ensuring that all expenditure committed by their Service is within a revenue or capital budget. Any expenditure or income likely to vary significantly from an approved budget shall be reported to the Chief Financial Officer. All virement and supplementary requests require approval before expenditure is committed, the only exceptions are in connection with emergency events. If appropriate a virement or supplementary estimate will be obtained and reported to the Policy, Finance and Development Committee as part of the quarterly revenue and capital budget monitoring process.
- 6.4 The inclusion of items in approved revenue or capital estimates shall constitute authority to incur such expenditure subject to compliance with any requirements mentioned elsewhere in these Regulations and Contract Procedure Rules.
- 6.5 Any proposal outside the budget and policy framework that involves:
 - 6.5.1 Capital expenditure not specifically included in the capital budget (see also conditions in paragraph 2.7).
 - 6.5.2 Revenue expenditure on a new service or project that has not been specifically provided for in any of the revenue budgets.
 - 6.5.3 A new source of income or significant variation in an existing source of income.
 - 6.5.4 The sale or disposal of land, buildings or other property of the Council, (other than those for which delegated authority has been given)shall be subject to the specific approval of the Council on the recommendation of the Policy, Finance and Development Committee. Should, at any time during the project, the likely cost exceed the amount specifically approved or the scope of the project altered, then further specific approval will be sought unless the financial implications can be accommodated by Virement. The initial or any subsequent submission of such proposals to the Council shall be subject to the procedures in Section 4.
- 6.6 In a situation that necessitates expenditure or the acceptance of quotes/ tenders in contravention of these Regulations, the relevant Head of Service and The Chief Financial Officer, in conjunction with the Director of Services, shall have authority to sanction such expenditure. The Chief Financial Officer shall report such approvals in the schedule prepared under Regulation 4.4.
- 6.7 Nothing in these Financial Regulations shall prevent expenditure being incurred where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent. Where in the opinion of the relevant Heads of Service, in consultation if possible

with the Chief Executive and the Chief Financial Officer, the urgency of the situation will not permit delay, nothing in the Financial Regulations or Standing Orders shall prevent the relevant Head of Service from incurring expenditure. Action under this Financial Regulation shall be reported to the next meeting of the Policy, Finance and Development Committee.

7. TRANSFER OF BUDGETS (VIREMENT)

- 7.1 Virement is a transfer between approved budgets. Heads of Service should endeavour to finance projects or variances from within this Service by way of virement before a supplementary estimate is considered.
- 7.2 Virements shall only be made in accordance with the authorisation limits and criteria shown in 6.3 and 6.4 and the general conditions shown below:
- 7.2.1 All virements will be submitted to the Chief Financial Officer in a form approved by the Chief Financial Officer where the appropriate authorisation is required.
- 7.2.2 All approved virements will be reflected in the Council's Financial Information System (FIS) by the Chief Financial Officer
- 7.2.3 The Chief Financial Officer reserves the right to refer any virement request to the Policy, Finance and Development Committee for approval.
- 7.2.4 The destination of the proposed virement must be a project, scheme or budget that has previously been approved for funding.
- 7.2.5 No virements shall be made:
- 7.2.5.1 from budgets held for support service recharges, central and departmental recharges, and capital financing charges.
 - 7.2.5.2 between the Revenue and Capital accounts of the Council or between the Housing Revenue Account and General Fund.
- that create an ongoing expenditure commitment for the Council.
- 7.2.6. No virements shall be made from salary budgets unless approved by the Chief Financial Officer, so that the annual transitional vacancy target is met each year.
- 7.2.7. Virements shall only be made within and not between the budget heads of the Council as defined in the Council's Budget and Policy Framework i.e.
- General Fund Revenue Account
 - Housing Revenue Account
 - General Fund Capital Programme

Housing Capital Programme

7.2.8. There must be sufficient budget provision remaining in the source of the virement to meet all expenditure for the rest of the year.

7.3 Virement Authorisation Limits

Virement Type	Authorisation Level:			
	Head of Service	Chief Financial Officer in consultation with Chair of PFD Committee	Policy, Finance and Development Committee	Council
(a) Within a cost centre	In consultation with Service Accountant			
(b) Within a Budget Head	Less than £25,000	£25,000 - £49,999	£50,000 - £250,000	More than £250,000
(c) Between Budget Heads but within a Service	Less than £25,000	£25,000 - £49,999	£50,000 - £250,000	More than £250,000
(d) Between capital projects		Less than £50,000	£50,000 - £250,000	More than £250,000
(e) Within Committee's responsibility			Less than £250,000	More than £250,000

For the purposes of virement a service is defined as:-

General Fund – a collection of cost centre(s) (comprising a summary line in the budget book) as detailed in The Addendum to the Financial Regulations.

Housing Revenue Account – the whole account

Virements under 6.3(a) authorised by Heads of Service or Chief Financial Officer will not require reporting to Committee. Virements under 6.3 (b) & (c) authorised by Heads of Service, or Chief Financial Officer shall be reported to the Policy, Finance and Development Committee on a schedule.

When the virement is as a result of a rationalisation of the Council's financial system codes, the authorisation level will up to £250,000 by the Head of Finance/Revenues and Benefits and over £250,000, the Chief Financial Officer. This would include setting up new cost centres as a result of restructures, reviewing and rationalising subjective codes and changes to staff reports. All these technical virements will be reported to the Chair of the PFD Committee for information.

- 7.4 All virements that relate to substantial changes in the method of service provision must be approved by Management Team irrespective of amount

8. ACCOUNTING

- 8.1 All accounting procedures and records of the Council shall be determined by the Chief Financial Officer in so far as they are not prescribed by law.
- 8.2 All accounts and accounting records of the Council shall comply with the relevant accounting standards and shall be in a form determined by the Chief Financial Officer.
- 8.3 All Heads of Service shall ensure that the principles of Separation of Duties and good control procedures are observed in the allocation of accounting duties:
- 8.3.1 The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums shall be separated as completely as possible from the duty of collecting or disbursing them.
- 8.3.2 Officers responsible for examining and checking the accounts of cash or stores transactions shall not themselves be engaged in any of these transactions.
- 8.4 As soon as possible after the end of each financial year, and not later than 30 September the Chief Financial Officer shall report to Council or committee under delegation on the accounts for that year.

9. TREASURY MANAGEMENT

- 9.1 All external investments in the name of the Council shall be made in accordance with the Council's policy for Treasury Management.
- 9.2 Oadby and Wigston Borough Council adopts the key recommendations of CIPFA's Treasury Management Code of Practice (the Code), updated in 2011.
- 9.3** Accordingly, Oadby and Wigston Borough Council will create and maintain, as the cornerstones for effective treasury management:
- 9.3.1 A treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities.
- 9.3.2 Suitable treasury management practices (TMP), setting out the manner in which Oadby and Wigston Borough Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 9.4 Oadby and Wigston Borough Council's Policy, Finance and Development Committee will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, an annual report after its close and an in year monitoring report. The Strategy will be updated and reported more frequently if the Council financial circumstances change e.g. need to borrow or best practice recommends. The Policy, Finance and Development Committee will receive updates on the Council's investments as part of the quarterly monitoring reports (revenue expenditure).

- 9.5 Oadby and Wigston Borough Council delegates responsibility for the scrutiny, implementation and monitoring of its Treasury Management Policies and practices to the Policy, Finance and Development Committee and for the execution and administration of treasury management decisions to the Chief Financial Officer who will act in accordance with the Council's Policy Statement and TMPs and, if they are a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- 9.6 The Chief Financial Officer shall report to the Policy, Finance and Development Committee on an exception basis, on investment and borrowing transactions.

10. VALUE ADDED TAX (VAT)

- 10.1 It shall be the responsibility of the Chief Financial Officer to secure arrangements for the administration and accounting of VAT to ensure compliance with all statutory requirements including such returns as are required within laid down timescales.
- 10.2 Each Head of Service shall keep records, as determined by the Chief Financial Officer for the prescribed statutory period, of all matters pertaining to the administration and accounting of VAT, and in particular:
- 10.2.1 All supplier invoices, including any relevant back-up and authorisation documents;
 - 10.2.2 Documentation supporting all income raised by invoice;
 - 10.2.3 Documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly by departments.
- 10.3 The Chief Financial Officer nominates the Head of Finance /Revenues and Benefits as the contact point for enquiries regarding any VAT matter.

Each Head of Service shall fully observe any direction and advice as may be issued by the office of the Chief Financial Officer.

11. COMMITTEE REPORTS

11.1 The Chief Financial Officer shall ensure that Committee Reports contain a section outlining the financial implications of the matter being reported upon. Additionally, he shall be entitled to report upon the financial implications of any matter coming before the Council, or other Committees, if necessary, in the interests of the financial affairs of the Council. To allow the Chief Financial Officer to fulfil his obligations all Heads of Service are obliged to consult with the Chief Financial Officer on all matters with a potential financial implication which are likely to result in a report to Committee.

11.2 With regard to reports prepared for consideration by Committee, Heads of Service shall follow the expected format and latest detailed guidance notes, as issued by the Chief Executive and the Chief Financial Officer, for ensuring all financial implications are identified and recognised. Further, Heads of Service shall ensure that the Chief Financial Officer or Head of Finance/Revenues and Benefits is fully consulted on the financial implications of reports with the inclusion of appendices within reports for ease of reference.

11.3 The following principles should be adhered to in the preparation of all Committee reports:-

- 11.3.1 The report should clearly distinguish capital and revenue financial implications.
- 11.3.2 Implications for the capital budget should identify where provision exists within the Council's capital programme.
- 11.3.3 Implications for the revenue budget should identify where provision exists within the Council's revenue budget. It is not considered sufficient to indicate that any increase in expenditure will be contained within a Service budget.
- 11.3.4 Implications for the revenue budget should distinguish ordinary running costs from capital financing costs.
- 11.3.5 Accountants within Finance should be involved in the calculation of such figures, as appropriate.
- 11.3.6 No additional budgetary implications will be allowed unless specifically approved by the Policy, Finance and Development Committee or Full Council (where appropriate).
- 11.2.7 Reports should make clear how additional or unbudgeted running costs are to be funded in both the current year and future years revenue budgets i.e. via ongoing compensating savings, virement, external funding etc.
- 11.2.8 Where virement is proposed, in order to fund overspends or unbudgeted expenditure, reports should indicate whether such virement is to be considered as a permanent adjustment or as a one-off.
- 11.2.9 Government grant funding availability / arrangements should be clearly highlighted as should the percentage of expenditure covered by grant and any residual costs to be borne by the Council. If the grant is to be available for only a limited period then this should also be identified in the financial implications.
- 11.2.10 Staffing changes / additions should clearly state whether such adjustments are of a permanent, temporary or fixed term nature.
- 11.2.11 All financial implications narrative and supporting appendices should be agreed with the relevant Accountant at draft /consultation stage.
- 11.2.12 Reports with significant financial implications, should, as a matter of course have a financial appendix which should provide a financial analysis broken down into appropriate cost and income headings (e.g. employee costs, property costs, supplies and services etc.) and should identify current year costs (which in the main will have a part year effect only) and costs for a full financial year.
- 11.2.13 Costings for the purpose of financial implications should be to the nearest ten pounds using current year prices.

12. AUDIT REQUIREMENTS

- 12.1 The Accounts and Audit Regulations require every local authority to maintain an adequate and effective internal audit function.
- 12.2 The Chief Financial Officer shall maintain an adequate and effective system of internal audit for all accounting, financial and other operations of the Council and in particular shall arrange for the examination, review and appraisal of:
 - 12.2.1 the adequacy and effectiveness of the systems of financial, operational and management control, and their operation in practice in relation to the business risks to be addressed;
 - 12.2.2 the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by Members and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
 - 12.2.3 the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity plans exist;
 - 12.2.4 the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
 - 12.2.5 the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
 - 12.2.6 the follow-up action taken to remedy weaknesses identified by Internal Audit, ensuring that good practice is identified and communicated widely;
 - 12.2.7 the operation of the Council's corporate governance and risk management arrangements.
- 12.3. The Internal Audit Service (IAS) in consultation with the Head of Finance/Revenues and Benefits and Chief Financial Officer shall prepare annual audit plans detailing the areas of audit coverage for the following year. These plans shall be presented to the Policy, Finance and Development Committee.
- 12.4. Internal Auditors from IAS have authority to:
 - 12.4.1 Enter at any time Council premises or land subject to any statutory or contractual restrictions that may apply.

- 12.4.2 Have access to all records, documents and correspondence relating to any financial or other business of the Council and to remove any such records as is necessary for the purpose of their work.
- 12.4.3 Receive any information and explanations considered necessary concerning any matter under examination.
- 12.4.4 Require any employee, agent or contractor of the Council to produce cash, stores or any other Council property under his or her control.
- 12.4.5 Have direct access to the Chief Executive, Director of Services, Chief Financial Officer, Policy, Finance and Development Committee and Overview and Scrutiny Committees.

13. FRAUD AND IRREGULARITY

- 13.1 The Council will not tolerate internal or external fraud and corruption in the administration of its responsibilities.
- 13.2 The Chief Financial Officer and the Head of Finance/Revenues and Benefits shall be notified immediately by the Head of Service of the Service concerned of any suspected irregularity concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council. The Chief Financial Officer shall take such steps as he or she considers necessary by way of investigation and report.
- 13.3 Should it be found that any major irregularity has occurred or is occurring, the Chief Financial Officer shall immediately inform the Chief Executive, Leader and the Chair of the Policy, Finance and Development
- 13.4 The Chief Financial Officer and the Chief Executive will be responsible for deciding whether any irregularity shall be referred or reported to the Police.
- 13.5 All employees and Members of the Council have a responsibility to bring to the attention of the Finance Manager/ Chief Financial Officer suspected irregularity. It is NOT Officers / Members responsibility to investigate suspicions as this could prejudice any investigation.
- 13.6 Requests for surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) must be approved in accordance with the Council's "Use of Surveillance Powers" policy. The use of Surveillance Powers Policy is available on the Council's intranet, under Policies and Forms/ Surveillance.
- 13.7 The Chief Financial Officer has overall responsibility for:
 - 13.7.1 Developing and maintaining an anti-fraud and corruption policy
 - 13.7.2 Developing and maintaining a whistle blowing policy
 - 13.7.3 Maintenance of a register of interests and a register for recording gifts or hospitality

13.8 Management Team will instigate the Council's disciplinary procedures where the outcome of an investigation indicates improper behaviour.

13.INSURANCES & RISK MANAGEMENT

CONTACT: Insurance - Head of Finance/Revenues and Benefits Risk Management-Chief Financial Officer

13.1 Risk Management – all organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an intricate part of good business practice. Risk Management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

13.2 Policy, Finance and Development Committee is responsible for approving fundamental (or significant) changes to the Risk Management Strategy and ensuring the overall effectiveness of the strategy.

13.3 The Chief Financial Officer is responsible for preparing the Authority's risk management policy statement and Corporate Risk Register and for promoting it throughout the Council and updating it.

13.4 Internal Control – Internal Control refers to the systems of control devised by management to reduce risks to an acceptable level and to help ensure that the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

13.5 The Chief Financial Officer is responsible for advising on effective systems of Internal Control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other provisions that govern their use.

13.6 It is the responsibility of Heads of Service to establish sound arrangements, consistent with guidance given by the Chief Financial Officer, for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and achieving their financial performance targets.

13.7 Business Continuity – Management Team should ensure that adequate plans are in place for ensuring continuity of service in the event of a disaster or system failure.

13.8 Intellectual Property - Intellectual Property is a generic term that includes inventions and writing. If these are created by the employee in the course of employment, then, as a general rule, they belong to the employer, not the employee. Various Acts of Parliament cover different types of Intellectual Property. Certain activities within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as Intellectual Property.

13.9 Chief Financial Officer is responsible for developing and disseminating good practice through Intellectual Property procedures. Management Team must ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employers right with regard to Intellectual Property.

13.10 Insurances - Arrangements for insurances shall only be made through the Chief Financial Officer who shall arrange such insurances as considered necessary to protect the Council's interests.

13.11 The Chief Financial Officer shall maintain details of all policies, claims or other transactions relating to the Council's insurance and details of all items or risks insured.

13.12 Management Team are responsible for ensuring that the Chief Financial Officer is notified of all new risks which require to be insured and any alterations affecting existing insurances.

13.13 Management Team shall be responsible for notifying the Chief Financial Officer, in a form prescribed by the Chief Financial Officer, as soon as possible of any loss, liability or damage or any event likely to lead to a claim.

13.14 The Chief Financial Officer shall negotiate all claims made by the Council against its insurers.

13.15 Employees of the Council shall be included in a fidelity guarantee policy suitable to the roles they perform.

14. ESTATES

CONTACT: Planning Regeneration and Development

14.1 The Head Planning Regeneration and Development shall be responsible for maintaining a terrier of all land and buildings owned by the Council, recording the holding committee, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

14.2 The Head Planning Regeneration and Development shall be responsible for the safe custody of all title deeds, formal contracts and agreements under secure arrangements agreed with the Chief Financial Officer.

15. SALARIES AND OTHER EMOLUMENTS

CONTACT: Head of People and Performance

15.1 The calculation and payment of all salaries, pensions, compensation and other emoluments to all employees, former employees or Members of the Council shall be made by the Head of People and Performance

under arrangements approved and controlled by him.

15.2 Heads of Service are responsible for ensuring that the Head of People and Performance

is notified as soon as possible of all matters affecting the payment of such sums and in particular:

- (a) Appointments, resignations, dismissals, suspensions, secondments and transfers.
- (b) Absences from duty for sickness or other reason, apart from approved leave.
- (c) Changes in remuneration, pay awards and agreements of general application.
- (d) Information necessary to maintain records of service for pension, income tax, National Insurance and the like.
- (e) Untaken or excessive leave when officers leave the employment of the Council.

15.3 Appointments of all employees shall be made within the approved establishment of the appropriate department, grades and rates of pay agreed by the Council, either specifically or generally by reference to the decisions of the appropriate negotiating body, and in accordance with any regulations of the Council.

15.4 All time keeping, or other records affecting the pay
All time keeping, or other records affecting the pay of an employee, shall be in a form approved by the Head of People and Performance .

15.5 All time keeping or other records relating to hours worked or leave taken shall be completed by the employee that they relate to, except in the case of illiteracy where they can be completed by a supervisor and certified to that effect.

15.6 An authorised officer shall certify all timesheets, or other records affecting the pay of an employee. Heads of Service shall notify the Chief Financial Officer / Finance of those officers authorised to sign such documents, detailing the limits of their authority and including a specimen of their signature. Initials may not be used to certify such documents.

15.7 All salary payments will be made on the due date. No advances of pay will be made without the consent of the Chief Financial Officer or Finance Manager, and will only be allowed in exceptional circumstances.

16. PETTY CASH, CHANGE FLOATS AND POSTAGES

CONTACT: Head of Finance/Revenues and Benefits

16.1 A central Petty Cash Account on an imprest basis shall be maintained by the Chief Financial Officer for the purposes of minor disbursements. Vouchers submitted through this account shall be examined and certified in compliance with Regulation 16.3. In all cases, where applicable, receipts supporting the claim shall be attached to the voucher.

16.2 No income, except imprest reimbursements, shall be paid into petty cash accounts or cash floats.

16.3 Cash reimbursement shall be limited to minor items of expenditure not exceeding £30 (or any other limit specified by the Chief Financial Officer). Payments and claims shall not be divided to avoid this limit. All individual claims over the £30 limit must not be reimbursed through the Petty Cash account, but should be reimbursed on a monthly basis through the purchase ledger function.

16.4 Officers responsible for change or petty cash floats shall produce on request any record and balance to the Chief Financial Officer for examination. In addition, as part of the closure of accounts

a signed petty cash declaration is required for each subsidiary imprest or float as requested by the Chief Financial Officer.

16.5 Officers responsible for change or petty cash floats shall perform, in conjunction with another Officer, regular checks to verify the balance of the float. As a minimum this should be done weekly and a record of the checks, signed by both Officers, shall be maintained.

16.6 Heads of Service shall ensure that any floats held by Officers leaving the employ of the Council are checked prior to the leaving date. These floats should then either be paid back to the Chief Financial Officer or transferred to another employee.

16.7 All postages for outgoing mail shall be made through centralised franking machinery unless otherwise approved. Packages containing documents or articles of value shall be registered or insured, according to the arrangements in force.

16.8 Corporate Credit Cards shall be issued to a nominated Officer whose duties require one. The Chief Financial Officer shall ultimately decide to whom credit cards will be issued and withdrawn.

16.9 The Chief Financial Officer shall issue guidelines on the acceptable use of corporate credit cards, including types of expenditure permitted and proper accounting for expenditure incurred. All corporate credit card holders will be required to sign that they will only charge payments that are within the guideline rules. Random checks will be made on credit card payments by the Finance Manager.

17. TRAVELLING AND SUBSISTENCE ALLOWANCES

CONTACT: Head of People and Performance

17.1 Payment of Travelling and Subsistence allowances shall be made in accordance with current Oadby and Wigston Borough Council policy. Details of the current policy are available from Human Resources.

17.2 The Head of People and Performance shall be responsible for paying any travelling and subsistence allowances and reimbursement shall be made through the payroll.

17.3 Claims from Officers for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be made on a form specified by the Chief Financial Officer and shall be submitted within 3 months of journeys claimed. Periods in excess of 3 months shall be paid at the discretion of the Chief Financial Officer. Managers must ensure that all claims are complete before authorising e.g. mileometer readings.

17.4 All claims for travelling expenses, car allowances and subsistence will be made through the payroll system. Human Resources will advise on the last day for submission of claims for each pay period.

17.5 All claims for car allowances, subsistence, travelling and incidental expenses shall be certified by an officer so authorised. Heads of Service shall supply a list of names and specimen signatures of all those Officers in their department, with limits if applicable, to the Chief Financial Officer. Authorisation shall be in the form of a signature and not initials.

17.6 Subsistence allowances will only be paid against actual expenditure incurred up to the maximum allowed under the current regulations. Receipts should be obtained and submitted to support the claim. Claims may be rejected if receipts are not attached. Where it is impossible to obtain receipts, the claimant shall list the items purchased, where purchased from and the cost, and payment will be made at the discretion of the Management Team in consultation with the Chief Financial Officer. Subsistence allowances will not be reimbursed for alcoholic drinks.

17.7 Officers using rail travel shall obtain a travel warrant from the Chief Financial Officer prior to their journey. The Council will only provide rail warrants and reimburse rail travel from Leicester or from the nearest town to the employees place of work if different. Exception will be made if travel is made on a different rail route other than Leicester and the station used is of equal cost or less than travelling from Leicester. Any additional cost should be paid by the officer.

17.8 Private vehicles can only be used for Council business, and the subsequent mileage allowance claimed, if the vehicle and driver has been specifically insured for this use. Human Resources will make such necessary checks to ensure that this regulation is adhered to.

18. ASSETS & INVENTORIES

CONTACT: Chief Financial Officer

18.1 Assets – It is the responsibility of the Chief Financial Officer that an Asset Register is maintained in accordance with good practice. The function of the Asset Register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively and adequately maintained. It is also the Chief Financial Officer responsibility to ensure that assets are valued in accordance with relevant guidance.

18.2 Heads of Service shall be responsible for the care and custody of all Council assets within their Service and shall maintain proper security for all buildings, vehicles, plant, stocks, stores, furniture, equipment and cash.

18.3 Inventories - Inventories shall be maintained by Service for all establishments as follows:

18.4 The Chief Financial Officer will be responsible for the maintenance of a comprehensive Hardware and Software Inventory for all Council IT equipment in all Service and shall ensure that appropriate entries are made at the time of purchase, at the time of disposal and that an annual check of all items on the inventory takes place.

18.5 The Chief Financial Officer will be responsible for the maintenance of an Inventory for all Council furniture in all Service and shall ensure that appropriate entries are made at the time of purchase, at the time of disposal and that an annual check of all items on the inventory takes place.

18.6 The extent to which the inventory shall record items specified within 18.1 above shall be in a form determined by the Chief Financial Officer

18.7 Disposal of Assets- Disposal of assets should be carried out in accordance with the Council's Contract Procedure Rules. Items which are obsolete or surplus to requirements, excluding land or buildings, over the cost of £500 (at the time of purchase) can be sold or disposed of on completion of an asset disposal form found on the staff intranet under staff info/procurement with approval by Management Team or Head of Service providing the estimated loss on disposal is no more than £10,000. Where the loss is estimated to exceed the £10,000 threshold, approval of Policy, Finance

and Development Committee must be obtained. Items that have been leased to the Council should not be disposed of unless full written consent has been obtained from the lessor.

18.8 Surplus

Surplus or obsolete stock / assets with an estimated sale value of less than £75,000 can be sold or disposed of through the methods of disposal outlined under Contract Procedure Rules, subject to the Head of Service demonstrating that the interests of the Council have been considered. Surplus or obsolete stock / assets with an estimated sale value of £75,001 or more must be sold via competitive tender inviting bids in line with Contract Procedure Rules or sale by public auction. Other methods may be used if the Management Team and the Chief Financial Officer believe another method would be in the best interest of

the Council. All disposals should be notified to the Chief Financial Officer so that the Capital Asset register can be probably maintained. All vehicles (non-leased) must be disposed of through sale by public auction or by quotations from a reputable dealer.

18.9 All disposals must comply as applicable with the Waste Electrical & Electronic Equipment Directive and Health & Safety legislation. All Council and personal data must be removed from any IT or recording equipment prior to their disposal.

18.10 Where small items of equipment with a value of less than £500 (at the time of purchase) such as keyboards, are scrapped, they must be recorded on a list held by each relevant Head of Service and signed off at year end. The list must be passed to Finance at year end.

18.11 The property of the Council specified within 18.1 above shall not be used other than for legitimate Council business

19. INCOME

CONTACT: Head of Finance/Revenues and Benefits

19.1 The Chief Financial Officer shall make and maintain adequate arrangements for:

(a) The organisation and accounting necessary to ensure the proper recording of all sums due to the Council.

(b) The custody, control, disposal and proper accounting of all cash received by the Council through any Service.

19.2 Each Head of Service shall ensure that there are adequate arrangements for the calculation, collection and banking of all income due to their Service and that it is done in such a way to prevent losses arising from any source.

19.3 Every sum received by an officer or agent of the Council shall be acknowledged immediately by the issue of an official receipt, ticket, voucher or other document prescribed by the Chief Financial Officer.

19.4 All receipts, tickets, voucher or other document prescribed by the Chief Financial Officer shall be sequentially pre-numbered.

19.5 Heads of Service shall be responsible for ensuring that all receipts issued to officers in their department are accounted for, have been used in accordance with any relevant guidelines and that income collected on those receipts has been collected and paid over to the Council.

19.6 All official receipts forms, books, tickets and other documents of a similar nature shall be ordered, controlled and issued by the Chief Financial Officer, and a register shall be maintained for this purpose. The Chief Financial Officer shall also make any necessary checks to ensure that all receipts issued have been accounted for.

19.7 Every Officer who receives monies on behalf of the Council shall pay the monies to the Chief Financial Officer who shall then arrange for it to be banked. All cash over £50 received at Council Offices, Wigston, by an officer of the Council must be banked via the Council's Kiosk, currently located in the Reception Area. This must be done on the day the cash is received or if the Kiosk is not available the next clear working day.

All cheques received at Council Offices, Wigston, should be banked/ sent to the Council's Cashiering service the next available clear working day. Cash collected shall, under no circumstances, be replaced with a personal cheque. All income collected shall be paid over promptly, intact and without deduction, and shall not be used for expenditure, floats or petty cash. Cheques received at satellite sites should be sent to the Council's cashiering service in line with procedures agreed with the Finance Manager. - 33 -

19.8 All income collected by Council Officers on behalf of a third party, whether for a commission or not, shall be receipted and banked in the same way as if it was the Council's own money. Any amount due to the third party will be paid by a BACS/ Cheque issued by the Chief Financial Officer once the account has been checked and balances agreed.

19.9 The Chief Financial Officer shall be responsible for the operation and running of a computerised sundry debtor system and shall furnish each Head of service with details of outstanding debts for which their Service are responsible.

19.10 Payment in advance shall be obtained for the supply of goods and services. The only variance to this may be:

- due to contractual arrangements
- the invoice is based on the supply of variable goods and services
- if agreed with the Finance Manager.

Each Head of Service shall be responsible for ensuring that a sundry debtors invoice is promptly raised.

19.11 The Chief Financial Officer, in conjunction with the relevant Head of Service, shall determine those goods or services where sundry debtors may be raised.

19.12 Heads of Service shall be responsible for ensuring that all debts raised by their Service are collected promptly.

19.13 Chief Financial Officer shall fix a limit below which sundry debtor accounts will not be raised, apart from allotments and in such cases alternative collection methods shall be employed, where possible.

19.14 A record should be kept of every transfer of money between employees of the Authority. The Receiving Officer must sign for the money received and both the Receiving Officer and transferor should keep a record of the transaction.

20. RECOVERY AND WRITE OFF OF DEBTS

CONTACT: Head of Finance/Revenues and Benefits

20.1 The Council shall have a policy for recovery approved by the Chief Financial Officer and the Policy, Finance and Development Committee.

20.2 Heads of Service are responsible for ensuring that all debts are collected in accordance with the laid down policy.

20.3 The Chief Financial Officer shall be responsible for providing Service with details of all debts outstanding.

20.4 A debt, which is properly due to the Council and deemed irrecoverable, shall only be written off as follows:

(a) Debts of less than £5,000 with the approval of the Chief Financial Officer or his appointed nominee.

(b) Debts of £5,001 and less than £10,001 with the approval of the Chief Financial Officer or his appointed nominee and the Chair of the Policy, Finance and Development Committee.

(c) Debts of £10,001 or more with the approval of The Policy, Finance and Development Committee. For the purposes of these Regulations the value of debts shall be determined by reference to the debtor as opposed to individual debts. Where the value of several debts for one individual or organisation exceeds £10,001 the approval of the Policy, Finance and Development Committee shall be obtained.

(d) These regulations apply to debts including, Council Tax, housing and garage rents.

20.5 Heads of Service are responsible for ensuring that every available means of recovering a debt has been taken before a debt is reduced or recommended for write off. No debt will be reduced or written off without the receipt of a signed instruction issued by the relevant Head of Service. The Chief Financial Officer shall make such checks as he considers necessary on the procedures used.

20.6 Heads of Service, in consultation with the Chief Financial Officer, shall be responsible for ensuring that sufficient budgetary provision is made for bad debts.

20.7 Distress proceedings for recovery of Council Tax, Business Rates and warrants for committal to prison shall be instituted by the Chief Financial Officer. The Head of Corporate Resources shall institute Court proceedings for the recovery of other monies due to the Council.

21. BANKING ARRANGEMENTS AND CHEQUES

CONTACT: Head of Finance/Revenues and Benefits

21.1 All arrangements for banking services shall be made through the Chief Financial Officer. The Committee shall approve the bankers and the accounts to be used.

21.2 All cheques or other instructions issued on behalf of the Council shall bear the impression or manuscript signature of the Chief Financial Officer with a proviso that cheques for £10,000 shall also bear the impression or manuscript signature of an officer(s) approved by the Chief Financial Officer.

21.3 The Chief Financial Officer shall be responsible for the ordering and control of all cheques. The Chief Financial Officer shall make sufficient arrangements for the safe custody of blank cheques and the control and reconciliation of those issued.

21.4 The Chief Financial Officer shall be responsible for ensuring that a monthly reconciliation between the Council's Bank account and its income and expenditure records is performed and that the reconciliation is reviewed by the Head of Finance/Revenues and Benefits and signed off on a timely basis.

21.5 Opening or closing any bank account shall require the written approval by the Chief Financial Officer and one other authorised signatory.

22. SECURITY & SAFES

CONTACT: Head of Finance/Revenues and Benefits

22.1 Each Head of Service shall be responsible for maintaining adequate and proper security at all times for all buildings, stocks, stores, IT, furniture, equipment, vehicles, plant, cash and any other assets of the Council under their control. These arrangements shall be subject to the agreement of the Chief Financial Officer and shall be sufficient enough to minimise losses arising from any cause.

22.2 Maximum limits for cash holdings, in whatever receptacle, shall be agreed with the Chief Financial Officer and shall not be exceeded without express permission and with regard to the appropriate insurance limit.

22.3 Officers, who in the course of their duties collect money on behalf of the Council, shall take all reasonable precautions for its safe custody and shall observe any instructions as may be issued by the Chief Financial Officer.

22.4 Each Head of Service shall maintain a Register of Keys for external doors, safes, cash boxes and others of similar importance. This Register shall list the key holders and out of hours contact numbers. This Register must be kept in a secure environment and not available for general inspection by unauthorised officers. All keys issued to staff are to be carried on the person, or held in a secure place, by those responsible at all times. Safe keys must not be left on the premises where the safe is situated. The loss of any keys must be reported to the relevant Head of Service and the Chief Financial Officer.

22.5 All safes shall be specified by the Chief Financial Officer after consultation with the Council's insurers.

22.6 The IT manager has responsibility for E-Government & Business Systems and shall be responsible for maintaining proper security and privacy in respect of information held on the Council's computer installations and for ensuring that its use is in accordance with any relevant legislation.

22.7 Heads of Service are responsible for ensuring that all visitors to any Council office or establishment, except in public areas, are signed in and are wearing an appropriate visitors pass. They shall also ensure that any visitor working in the above stated areas are adequately supervised to ensure confidentiality of Council information and security of Council assets is maintained at all times.

22.8 Every Officer shall comply with any instructions issued from time to time on building on building security.

23. DOCUMENT RETENTION

CONTACT: Chief Financial Officer

23.1 Documentation created / maintained for transactions covered by these Financial Regulations or Contract Procedure Rules shall be retained in accordance with the document retention schedule which can be found on the INTRANET under the section marked Freedom of Information or for a period not less than 6 years after the transaction / project etc ceases to be current.

24. RECEIPT OF GIFTS, GRATUITIES AND HOSPITALITY

CONTACT: Head of Law and Governance

General Guidance

24.1 Any Council employee shall treat with caution any offer of gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

24.2 Employees are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in the Council.

24.3 The proper course of action for employees is to only accept gifts or hospitality where they regard the acceptance as normal and reasonable.

24.4 Employees shall ensure that any gift or hospitality is not of a level or amount which would lead any reasonable person to believe that the employee might be influenced by such gift or hospitality.

24.5 In the event that doubt should exist over the appropriateness of any gift, hospitality, or fee or commission, employees shall seek advice from their Head of Service or, if appropriate, the Chief Financial Officer.

24.6 The rules and guidance for officers relating to gifts, gratuities and hospitality can be found in the Officer Code of Conduct which can be found on the Council's INTRANET.

25. PAYMENT OF ACCOUNTS

CONTACT: Head of Finance/Revenues and Benefits

25.1 Payments by the Council shall only be made on an official invoice submitted by a supplier except for periodic recurring payments, contract payments and other exceptions as the Chief Financial Officer may specifically approve.

25.2 Orders must be raised electronically and approved by an authorised Officer with the relevant financial delegation.

25.3 The purchase/works order shall specify the goods, services, or works to be provided and set out the price and terms of payment. The only exception to this is if a signed agreement or contract exists between the Council and the supplier and that contract and agreement specifies in detail the exact works, goods or services to be supplied, in which case a brief description of the project and the total contracted price can be specified.

25.4 Officers certifying purchase/ works orders, electronically or otherwise, must be authorised to do so under the scheme of delegation. Heads of Service will provide Finance with details of Officers within the Service who are authorised to sign orders, including the maximum order value and sample signature of that Officer.

25.5 Officers certifying purchase/works orders shall have due regard to the availability of sufficient budgetary provision. No order shall be authorised where the anticipated expenditure will cause the budget to be overspent, unless covered by section 6 of these Financial Regulations.

25.6 Certifying officers shall, before certifying an account for payment, be satisfied that:

(a) The official ordering procedure, as detailed in Regulation 25, has been observed and that Contract Procedure Rules have been complied with.

(b) The work, goods or services, to which the account relates have been received, carried out, examined and approved and are in accordance with the official order.

(c) The prices, extensions, calculations, trade discount, other allowances, credits and tax are correct.

(d) The expenditure has been properly incurred, has been charged to an appropriate account and is within the relevant estimate provision.

(e) Appropriate entries have been made in inventories, stores records or stock books as required.

(f) The account has not been previously passed for payment and is a proper liability of the Council.

- 40

Only invoices with an official order shall be paid unless an additional certification has been obtained from the relevant Head of Service.

25.7 Apart from petty cash, the normal method of payment shall be by BACS. Where expenditure is non-recurring payment may be made by cheque, or other instrument drawn on the Council's bank account.

25.8 All payments drawn on the Council's bank account shall be authorised by the Chief Financial Officer or a person nominated by him or her.

25.9 Any payment by cheque for £10,000 or more shall also bear the impression or manuscript signature of an officer(s) approved by the Chief Financial Officer.

25.10 The Chief Financial Officer shall be responsible for ensuring that the Council's bankers are kept informed of those Officers authorised to make payments from the Council's accounts and that they have up to date specimen signatures of those Officers.

25.11 The Chief Financial Officer shall be responsible for ensuring that sufficient fidelity guarantee insurance is in place for those Officers authorised to initiate or make payments from the Council's accounts.

25.12 The Head of Service issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment of accounts arising from sources in his / her Service. Such certification shall be in a form required by the Chief Financial Officer.

25.13 Heads of Service are responsible for ensuring that the names of Officers authorised to certify accounts for payment in their department, along with specimen signatures and limits of authority, are supplied to the Chief Financial Officer. They are also responsible for ensuring that the Chief Financial Officer is advised of any amendments to the list of authorised Officers, or changes in signatures of those previously notified. On an annual basis a consolidated list of signatories and signatures shall be submitted.

25.14 Accounts for payment shall only be processed and paid on receipt of a properly certified invoice or other approved document.

25.15 Authorised Officers shall use their signature for certification purposes and not their initials.

25.16 Departments shall be responsible for ensuring that invoices are processed and passed for payment by Finance in sufficient time to meet the terms and conditions of the Payment of Invoices indicator, and so that payment can be made through the weekly payment runs.

25.17 Invoices are to be paid in accordance with the terms stated by the supplier and the appropriate performance indicator. The normal weekly payment system is to be used but in extreme cases invoices can be paid on an urgent basis (the same day). Examples of acceptable reasons for an urgent payment are where delay would cause hardship to individuals where the payment is in respect of a refund on a rent or benefit account, where essential services will be suspended if payment is delayed or any other reason agreed by the Chief Financial Officer. In all cases the certifying officer shall document the reason for urgency on, or attached to, the invoice.

25.18 Any rounding amendment to an account up to the value of £1 shall be made in ink, initialled and dated by the Officer making it, stating briefly the reasons when they are not self-evident.

25.19 Heads of Service shall be responsible for ensuring that the duties of ordering goods and certifying accounts for payment shall not all be performed by the same Officer and accounts shall not be certified for payment by an Officer who has personal control over the goods and services to which the accounts relate.

25.20 Heads of Service shall, by a date specified by the Chief Financial Officer each year, supply details of all outstanding expenditure and income relating to the previous financial year to the Chief Financial Officer.

25.21 The Chief Financial Officer shall make such checks and impose such further examination as he considers necessary to ensure that accounts for payment have been processed in accordance with these Regulations and Contract Standing Orders and that the Council can legally make such a payment. He shall report any instances of non-compliance to the Chief Financial Officer.

25.22 The Chief Financial Officer shall determine the frequency of pay schedules of all invoices or accounts for payment. Payments of an urgent nature will be made as they arise. (see also para 25.18)

25.24 Officers certifying payment on behalf of the Council must have due regard to the VAT implications and comply with the instructions periodically issued by the Chief Financial Officer. Any queries regarding VAT should be referred to the Finance Manager.

26. STOCKS AND STORES

CONTACT: Head of Finance/Revenues and Benefits

26.1 Each Head of Service shall be responsible for the care and custody of the stocks and stores in his/her Service.

26.2 Heads of Service shall furnish the Chief Financial Officer with details and a signed certificate of the value of stores held in their department at the end of each financial year.

26.3 Stores shall be valued in accordance with accounting policies adopted by the Chief Financial Officer.

26.4 All goods must be checked at the time of delivery, with regards to quantity, quality and compliance with any specification as soon as practical after delivery.

26.5 Heads of Service shall be responsible for ensuring that a comprehensive record of stock balances, stock issues and receipts are maintained, including records of quantities, values and the person issued to.

26.6 Heads of Service shall be responsible for ensuring that stocks and stores are not held in excess of reasonable requirements and that maximum and minimum levels are set.

26.7 Heads of Service shall be responsible for ensuring that a system of continuous stocktaking shall operate in all stores with an average value over £10,000. This system shall ensure that every commodity is checked at least once per annum, and fast moving, valuable and desirable items are checked more frequently. The Chief Financial Officer shall carry out such independent checks as he considers necessary. In addition, as part of the closure of accounts a signed stock certificate declaration is required for each stock account as requested by the Chief Financial Officer.

26.8 Individual deficiencies that exceed £500 shall be reported to the Chief Financial Officer for write off. Stores in excess of £500 that are considered to be surplus or obsolete shall also be reported for consideration for disposal (including by sale) or write off.

27. ORDERING WORKS, GOODS AND SERVICES - CONTRACTS AND AGREEMENTS

CONTACT: Head of Finance/Revenues and Benefits

27.1 All purchases for works, goods or services are subject to the provisions contained in the Council's Contract Procedure Rules.

28. AMENDMENTS AND WAIVERS TO FINANCIAL REGULATIONS

CONTACT: Chief Financial Officer

28.1 These Financial Regulations outline the minimum required to safeguard the Council's assets and interests. Any amendments to these Regulations shall be approved by Full Council and shall not come into force until approval has been given.

28.2 The waiving of Financial Regulations must be approved by the Chief Financial Officer and where appropriate with the Policy, Finance and Development Committee. In all cases Best Value must be demonstrated for a waiver to be approved. Waivers must be fully documented.

28.3 The Chief Financial Officer shall formally review these Regulations at regular intervals.

CONTRACT PROCEDURE RULES

INTRODUCTION

These Contract Procedure Rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption. They are in line with the CIPFA/Local Government Task Force Contract Procedure Rules published 2006. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these contract procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally, it may not always be appropriate to make use of an exemption under Rule 3 even if one might apply or be granted.)

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include electronic transmissions (e.g. email, fax or via an e-procurement portal) as well as hard copy.

Officers should:

- Follow the rules if you purchase goods or services or order building work.
- Take all necessary legal, financial and professional advice at the appropriate time
- Declare any personal financial interest in a contract. Corruption is a criminal offence.
- Conduct a management review to appraise the purchasing need.
- Check whether there is an existing Corporate Contract you can make use of before undergoing a competitive process.
- Normally allow at least four weeks for submission of bids
- Keep bids confidential.
- Complete a written contract or council purchase order before the supply or works begin.
- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.

In accordance with the Constitution, the Chief Financial Officer shall have the power to make amendments from time to time to these contract procedure rules after consultation with the Monitoring Officer.

These Rules must be read in conjunction with the definitions set out at the end of the Rules.

SECTION 1: SCOPE OF CONTRACT - PROCEDURE RULES

1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

- achieve Best Value for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that non-commercial considerations do not influence any contracting decision
- support the Council's corporate and departmental aims and policies
- comply with the Council's corporate Procurement Strategy.

2. OFFICER RESPONSIBILITIES

2.1. Officers

2.1.1. Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

2.1.2. Officers must:

- have regard to the Council's current Procurement Strategy
- check whether a suitable corporate contract exists before seeking to let another contract; where a suitable corporate contract exists, this must be used unless there is an auditable reason not to keep the records required by Rule 6
- take all necessary legal, financial and professional advice.

2.1.3. When any employee either of the Council or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

2.2. Chief Officers

2.2.1. Chief Officers must:

- ensure that their staff comply with Rule 2.1
- ensure that registers are kept of:
 - contracts completed by signature, rather than by the Council's seal (see Rule 16.3) and arrange their safekeeping on council premises (Major contracts should also be kept with Law and Governance))
 - exemptions recorded under Rule 3.2. (to be held by Democratic Services)

3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS

3.1. The Council and the Policy, Finance and Development Committee have power to waive any requirements within these contract procedure rules for specific projects, and any such decision may be a Key Decision.

- 3.2. A Chief Officer has the power, under the scheme of delegation in the Constitution, in circumstances deemed exceptional by Law and Governance, to waive any requirements within these contract procedure rules, provided that, where the contract is likely to exceed £40,000, the relevant Committee Chair is consulted.
- 3.3. Where a proposed contract is likely to exceed the EU Threshold the EU Procedure will apply and the requirements of these contract procedure rules may not be waived other than in the case of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services, in which case the provisions of Rule 3.4 below will apply.
- 3.4. Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services, the Officer and the Chief Financial Officer or Head of Finance may jointly approve the exemption but they must prepare a report for the next PFD Committee to support the action taken.
- 3.5. All exemptions, and the reasons for them, must be recorded using the Exemption Form. Exemptions shall be signed by the Officer and countersigned by the Chief Financial Officer.
- 3.6. An exemption must be approved by the Chief Financial Officer:
 - (i) prior to commencing any procurement process using Crown Commercial Service (CCS) contracts;
 - (ii) prior to abandonment, where a procurement process is to be abandoned.
- 3.7. The terms and conditions of contract applicable to any CCS arrangement, including the requirement to undertake competition between providers, must be fully complied with.
- 3.8. Financial Services must monitor the use of all exemptions.
- 3.9. In order to secure Value for Money, the authority may enter into collaborative procurement arrangements. The Officer must consult the Chief Financial Officer and the Monitoring Officer where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 3.10. Purchases made via a local authority purchasing and distribution consortium, other than purchases above the EU Threshold and other purchases below the EU threshold where international suppliers may be interested, are deemed to comply with these contract procedure rules and no exemption is required.
- 3.11. Purchases above the EU Threshold and other purchases below the threshold where international suppliers may be interested must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of the Council and other consortium members.
- 3.12. Any contract entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed and that complies with the contract

procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required. However, advice must be sought from the Chief Financial Officer and the Monitoring Officer before the contract is entered into.

- 3.13. The use of e-procurement technology does not negate the requirement to comply with all elements of these contract procurement rules, particularly those relating to competition and Value for Money.

4. RELEVANT CONTRACTS

4.1. All Relevant Contracts must comply with these contract procedure rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works or for the supply or disposal of goods, materials or services. These include arrangements for:

- the supply and/or disposal of goods
- the hire, rental or lease of goods and/or equipment
- the delivery of services, including (but not limited to) those related to:
 - the recruitment of staff
 - land and property transactions
 - financial and consultancy services.

4.2. Relevant Contracts do not include:

- contracts of employment which make an individual a direct employee of the Council,
- agreements regarding the acquisition, disposal, or transfer of land and/or assets (for which Financial Regulations shall apply).

SECTION 2: COMMON REQUIREMENTS

5. STEPS PRIOR TO PURCHASE

5.1. The Officer must appraise the purchase, in a manner commensurate with its complexity and value and taking into account any guidance in the Procurement Strategy by:

- taking into account the requirements from any relevant management review or Audit review
- appraising the need for the expenditure and its priority
- defining the objectives of the purchase
- assessing the risks associated with the purchase and how to manage them
- considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
- ensure the evaluation methodology for any procurement process must not disadvantage any group of economic operator, including Small / Medium Sized Enterprises or new / start up companies, in any aspect of the evaluation including but not limited to reference checks and financial assessments”.

- consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring
- drafting the terms and conditions that are to apply to the proposed contract
- setting out these matters in writing if the total value of the purchase exceeds £50,000.

5.2. and by confirming that:

- there is approved budgetary provision for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution.

6. RECORDS

6.1. Where the Total Value is less than £50,000, the following records must be kept (which will include logs kept by an e-procurement portal):

- invitations to quote and quotations received
- a record:
 - of any exemptions and the reasons for them
 - of the reason if the lowest price is not accepted
- Written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.2. Where the total value exceeds £50,000 the Officer must record:

- the method for obtaining bids (see Rule 8.1)
- any contracting decision and the reasons for it
- any exemption under Rule 3 together with the reasons for it
- the award criteria in descending order of importance
- Tender documents sent to and received from candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- Communications with candidates and with the successful contractor throughout the period of the contract.

6.3. Records required by this rule must be kept for six years after the end of the contract. However, written documents which relate to unsuccessful Candidates may be microfilmed or electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.

7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

7.1. **Identifying and Assessing Potential Candidates**

7.1.1. Officers shall ensure that, where proposed contracts, irrespective of their total value, might be of interest to potential candidates located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the Council's website
- portal websites specifically created for contracts
- advertisements
- national official journals, or
- the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).

7.1.2. Officers are responsible for ensuring that all candidates for a relevant contract are suitably assessed. The assessment process shall establish that the potential candidates have sound:

- economic and financial standing
- technical ability and capacity to fulfil the requirements of the Council.

7.1.3. This shall be achieved in respect of proposed contracts that are expected to exceed £50,000 by selecting firms from:

- Approved lists of providers, maintained by the Council or on its behalf, and compiled following responses to a public advertisement; or
- shortlists assessed from expressions of interest in a particular contract submitted in response to a public advertisement.

7.1.4. Public advertisements issued in respect of Rule 7.1.3 above shall reflect the potential degree of interest from candidates located within other member states of the EU.

7.1.5. Advertisements must comply with any requirement for publication as set out in national legislation as amended from time to time.

7.2. **Approved Lists**

7.2.1. Approved lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.

7.2.2. Chief Officers may draw up in consultation with the Chief Financial Officer:

- Approved Lists of persons ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract term
- criteria for shortlisting from the lists.

7.2.3. No person may be entered on an approved list until there has been an adequate investigation into both their financial standing and their technical ability to perform the

contract, unless such matters will be investigated each time bids are invited from that list (in which case this must be made clear on the list).

- 7.2.4. Approved lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure the widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Rule 7.2.3 are met.
- 7.2.5. The list and shortlisting criteria must be reviewed at least annually and re-advertised at least every three years. On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply. Review means:
- the reassessment of the financial standing and technical ability and performance of those persons on the list, unless such matters will be investigated each time bids are invited from that list
 - the deletion of those persons no longer qualified, with a written record kept justifying the deletion.
- 7.2.6. All approved lists shall be maintained in an open, fair and transparent manner and be open to public inspection.
- 7.2.7. A register of pre-qualified contractors and consultants maintained by or on behalf of central government (e.g. Constructionline) will be deemed to be an Approved List for the purpose of these contract procedure rules and shall not be subject to the requirements of Rules 7.2.2 to 7.2.6 inclusive.

7.3. **Framework Agreements**

- 7.3.1. The term of a Framework Agreement must not exceed four years.
- 7.3.2. Contracts based on Framework Agreements may be awarded by either:
- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
 - where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written tenders
 - fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract
 - awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the Framework Agreement.

SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the total value.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Chief Financial Officer.

8.1. Purchasing – Competition Requirements

8.1.1. Where the total value for a purchase is within the values in the first column below, the award procedure in the second column must be followed. Shortlisting shall be done by the persons specified in the third column.

Total Value	Award Procedure	Shortlisting
Up to £3,000	One oral Quotation (confirmed in writing where the Total Value exceeds £500)	Budget Holder
£3,001-£50,000	Three written Quotations	Budget Holder and Chief Officer
£50,001–£EU-Threshold	Invitation to Tender to at least three and no more than six Candidates	Budget Holder and Chief Officer
Above EU Threshold	EU Procedure or, where this does not apply, Invitation to Tender by advertisement/list to at least four and no more than six Candidates	Consult the Chief Financial Officer see Rule 8.1.4

8.1.2. Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirement, all suitably qualified candidates must be invited.

8.1.3. An Officer must not enter into separate contracts nor select a method of calculating the total value in order to minimise the application of these contract procedure rules.

8.1.4. Where the EU Procedure is required, the Officer shall consult the Chief Financial Officer to determine the method of conducting the purchase.

8.2. Assets for Disposal

8.2.1. Assets for disposal must be sent to public auction except where better Value for Money is likely to be obtained by inviting quotations and tenders (these may be invited by advertising on the Council's internet site). In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Chief Financial Officer or the nominated substitute.

8.3. Providing Services to External Purchasers

8.3.1. The Chief Financial Officer must be consulted and regard had to Financial Regulations where contracts to work for organisations other than the Council are contemplated.

8.4. Collaborative and Partnership Arrangements

8.4.1. Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the Chief Financial Officer and the Monitoring Officer.

8.5. The Appointment of Consultants to Provide Services

8.5.1. Consultant architects, engineers, surveyors and other professional consultants shall be selected and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined in 8.1.1

8.5.2. The engagement of a consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.

8.5.3. Records of consultancy appointments shall be maintained in accordance with Rule 6.

8.5.4. Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the relevant Chief Officer for the periods specified in the respective agreement.

9. PRE-TENDER MARKET RESEARCH AND CONSULTATION

9.1. The officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition, and
- should seek advice from the Chief Financial Officer.

10. STANDARDS AND AWARD CRITERIA

- 10.1. The Officer must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The officer must include those standards which are necessary properly to describe the required quality. The Chief Financial Officer and the Monitoring Officer must be consulted if it is proposed to use standards other than European standards.
- 10.2. The Officer must define award criteria that are appropriate to the purchase and designed to secure an outcome giving Value for money for the Council. The basic criteria shall be:
 - 'lowest price' where payment is to be made by the Council
 - 'highest price' if payment is to be received, or
 - 'most economically advantageous', where considerations other than price also apply.

If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service and quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

10.3. Award Criteria must not include:

- Non-commercial considerations
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

11. INVITATIONS TO TENDER/QUOTATIONS

- 11.1. The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this clause shall be considered.
- 11.2. All Invitations to Tender shall include the following:
 - a. A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers.
 - b. A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
 - c. A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
 - d. Notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
 - e. A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and if possible in descending order of importance.

- f. Notification that no tender will be considered unless it is submitted via the Council's secure e-procurement portal unless specific circumstances restrict the ability to undertake the tender exercise (e.g. the use of electronic means of communication would require specific tools, equipment, devices or file formats that are not generally available or supported by generally available applications) when tenders shall be submitted as set out in 13.4 below.
 - g. A stipulation that any tenders submitted by other means shall not be considered unless specific circumstances restrict the ability to undertake the tender exercise electronically when tenders shall be submitted as set out in 13.4 below.
 - h. The method by which any arithmetical errors discovered in the submitted tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice-versa.
- 11.3. All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 16).
- 11.4. The method by which a start up company is to be evaluated
- 11.5. The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.
- 11.6. All Candidates invited to Tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

12. SHORTLISTING

- 12.1. Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the award criteria. Special rules apply in respect of the EU Procedure.
- 12.2. The Officers responsible for shortlisting are specified in Rule 8.1.1.
- 12.3. Where approved lists are used, Shortlisting may be done by the officer in accordance with the shortlisting criteria drawn up when the approved list was compiled (see Rule 7.2.2). However, where the EU Procedure applies, approved lists may not be used.

13. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

- 13.1. Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (seek guidance from Chief Financial Officer).
- 13.2. All tenders must be returned via the Council's secure e-procurement portal (unless specific circumstances restrict the ability to undertake the tender exercise (e.g. the use of electronic means of communication would require specific tools, equipment, devices or file

formats that are not generally available or supported by generally available applications)) when tenders shall be submitted as set out in 13.4 below

- 13.3. Tenders received by hardcopy, fax or other electronic means (e.g. email) must be rejected, unless they have been specifically requested (e.g. where use of an e-procurement portal is not appropriate due to specific circumstances).
- 13.4. Where use of an e-procurement portal is not appropriate, all tenders must be returned to the Chief Executive.
- 13.5. The Officer must not disclose the names of candidates to any staff involved in the receipt, custody or opening of Tenders.
- 13.6. The Monitoring Officer shall be responsible for the safekeeping of tenders until the appointed time of opening. Each tender must be:
 - suitably recorded so as to subsequently verify the date and precise time it was received
 - adequately protected immediately on receipt to guard against amendment of its contents
 - recorded immediately on receipt in the Tender Record Log.
- 13.7. Candidates must be provided with a contact point in case they experience any problems in submitting their tender electronically. Candidates must also be advised that failure to advise the Council of the problem before the deadline for return of tenders will mean they have lost their opportunity to tender. Where a sending problem is received in time, consideration should be given to extending the deadline for submission and all candidates should be advised accordingly of any extension of time.

14. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

- 14.1. Providing clarification of an Invitation to Tender to potential or actual candidates or seeking clarification of a tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.
- 14.2. If post-tender negotiations are necessary after a single-stage tender or after the second stage of a two-stage tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

- 14.3. Post-tender negotiation must only be conducted in accordance with guidance issued by the Chief Financial Officer and the Monitoring Officer, who must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by at least two officers, one of whom must be from a team independent to that leading the negotiations.
- 14.4. Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES

- 15.1. Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of quotations, tenders and the identity of candidates must be preserved at all times and information about one candidate's response, other than areas covered by The Freedom of Information Act 2000 must not be given to another candidate.
- 15.2. Contracts must be evaluated and awarded in accordance with the award criteria. During this process, officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily. Where tender prices are substantially in excess of the pre tender estimates, whether published or otherwise, consideration shall be given to abandonment of the procurement process.
- 15.3. The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.
- 15.4. Officers may accept quotations and tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts that are expected to exceed £250,000, the approval of the relevant Committee Chair has been secured. The awarding of contracts that are expected to exceed £500,000 shall also be approved by the Policy, Finance and Development Committee.
- 15.5. Where the total value is over £50,000, the officer must notify all candidates simultaneously and as soon as possible of the intention to award the contract to the successful Candidate. The officer must provide unsuccessful candidates with a period of at least ten days in which to challenge the decision before the officer awards the contract. If the decision is challenged by an unsuccessful candidate then the officer shall not award the contract and shall immediately seek the advice of the Monitoring Officer.
- 15.6. The officer shall debrief in writing all those candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. No information, other than the following, should be given without taking the advice of the Monitoring Officer:

- how the Award Criteria were applied
- the prices or range of prices submitted, in either case not correlated to candidates' names
- the names of candidates where there were three or more candidates.

15.7. If a Candidate requests in writing the reasons for a contracting decision, the Officer must give the reasons in writing within 15 days of the request. If requested, the Officer may also give the debriefing information at Rule 15.6 above to candidates who were deselected in a pre-tender shortlisting process.

SECTION 4: CONTRACT & OTHER FORMALITIES

16. CONTRACT DOCUMENTS

16.1. Relevant Contracts

16.1.1. All relevant contracts that exceed £50,000 shall be in writing.

16.1.2. All relevant contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Council to terminate the contract.
- Duration of the contract. In particular an end date.

16.1.3. The Council's purchase order form or standard terms and conditions issued by a relevant professional body must be used wherever possible.

16.1.4. In addition, every relevant contract of purchase over £50,000 must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- data protection requirements, if relevant
- that charter standards are to be met if relevant
- race relations requirements
- Equality Act requirements
- Anti Bribery requirements
- Termination process
- Freedom of Information Act requirements
- where agents are used to let contracts, that agents must comply with the Council's contract procedure rules

- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

16.1.5. The formal advice of the Monitoring Officer must be sought for the following contracts:

- where the Total Value exceeds £50,000
- those involving leasing arrangements
- where it is proposed to use a supplier's own terms
- those that are complex in any other way.

16.2. Contract Formalities

16.2.1. Agreements shall be completed as follows:

Total Value	Method of Completion	By
Up to £3,000	Signature	Budget Holder (see Rule 16.2.3)
£3,001-£50,000	Signature	Chief Officer (see Rule 16.2.3)
£50,001–£EU-Threshold	Sealing	See Rule 16.3

16.2.2. All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Chief Financial Officer. An award letter is insufficient.

16.2.3. The officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

16.3. Sealing

16.3.1. Where contracts are completed by each side adding their formal seal, such contracts shall be signed by the respective Chief Officer, together with the fixing of the Council's seal, witnessed by the Mayor and the Chief Executive.

16.3.2. Every council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of the Council, a Committee, the Leader, Chair of Committee or Chief Officer (or those authorised by any of them) acting under delegated powers.

16.3.3. A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services

- there is any doubt about the authority of the person signing for the other contracting party
- the Total Value exceeds £50,000; or
- this is legally required.

17. BONDS AND PARENT COMPANY GUARANTEES

17.1. The Officer must consult the Chief Financial Officer about whether a Parent Company Guarantee or some other form of security is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

17.2. The Officer must consult the Chief Financial Officer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the candidate.

18. PREVENTION OF CORRUPTION

18.1. The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 18.2 below

18.2. The following clause must be put in every written council contract:

"The Council may terminate this contract and recover all its loss if the contractor, its employees or anyone acting on the contractor's behalf do any of the following things:

(a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or

(b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or

(c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Councillors, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause."

19. DECLARATION OF INTERESTS

- 19.1. If it comes to the knowledge of a Councillor or an employee of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the chief executive.
- 19.2. Such written notice is required irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the Councillor or employee is directly a party.
- 19.3. A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not a pecuniary interest for the purposes of this standing order.
- 19.4. The chief executive shall maintain a record of all declarations of interests notified by Councillors and Officers.
- 19.5. The chief executive shall ensure that the attention of all Councillors is drawn to the Code of Conduct for Councillors.

SECTION 5: CONTRACT MANAGEMENT

20. MANAGING CONTRACTS

- 20.1. Chief Officers are to name contract managers for all new contracts entered into within their service. All contracts must have a named council contract manager for the entirety of the contract.
- 20.2. Contract managers must have regard to the Council's procurement strategy.

21. RISK ASSESSMENT AND CONTINGENCY PLANNING

- 21.1. A formal business case must be prepared for all procurements with a potential value over the EU Threshold. The procurement process must also be included on the Corporate Programme Register. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 21.2. For all contracts with a value of over £50,000, contract managers must:
 - maintain a risk register during the contract period
 - undertake appropriate risk assessments for identified risks
 - review risk assessments annually for current contracts
 - ensure contingency measures are in place.

22. CONTRACT MONITORING, EVALUATION AND REVIEW

- 22.1. All contracts which have a value higher than the EU Threshold limits, or which have been calculated as High Risk, using the Council's Risk Management Methodology, are to be subject to monthly formal review with the contractor.
- 22.2. For all contracts with a value higher than the EU Threshold limits, or which are High Risk, an annual report must be submitted to the Contract Management Board. This Board will consist of the Chief Financial Officer and the Monitoring Officer.
- 22.3. A council-developed Gateway review process must be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.4. During the life of the contract, the Officer must monitor in respect of:
- performance
 - compliance with specification and contract
 - cost
 - any Value for Money requirements
 - user satisfaction and risk management.
- 22.5. Where the Total Value of the contract exceeds £250,000, the Officer must make a written report to the relevant Committee Chair evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Rule 5.2) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

SECTION SIX: DEFINITIONS APPENDIX

Agent:	A person or organisation acting on behalf of the Council or on behalf of another organisation.
Approved List:	A list drawn up in accordance with Rule 7.2.
Award Criteria:	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2e).
Award Procedure:	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
Best Value:	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. This terminology has now in many instances been superseded by Value for Money.
Bond:	A document under which, if the contractor does not do what it has promised under a contract, the Council can claim from the bank or insurer the sum of money specified in the bond (often 10% of the contract value). A bond is

intended to protect the Council against the contractor's failure to perform the contract.

- Candidate: Any person who asks or is invited to submit a Quotation or Tender.
- Chief Officer: The officers defined as such in the Constitution.
- Code of Conduct: The Code of Conduct for Officers regulating conduct of officers issued by the Chief Financial Officer.
- Committee: A committee which has power to make decisions for the Council, for example a joint committee with another local authority, but not a scrutiny committee.
- Constitution: The constitutional document approved by the Council which:
- allocates powers and responsibility within the Council and between it and others
 - delegates authority to act to the Leader, Committees and Officers
 - regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.
- Consultant: Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work.
- Contract Management Board: The group of Officers that meets regularly to consider procurement issues on a corporate basis.
- Contracting Decision: Any of the following decisions:
- composition of Approved Lists
 - withdrawal of Invitation to Tender
 - whom to invite to submit a Quotation or Tender
 - Shortlisting
 - award of contract
 - any decision to terminate a contract.
- EU Procedure: The procedure required by the EU where the Total Value exceeds the EU Threshold.
- EU Threshold: The contract value at which the EU public procurement directives apply.
- European Economic Area: The 28 members of the European Union, and Norway, Iceland and Liechtenstein.
- Chief Financial Officer: As identified in the Constitution.

- Financial Regulations:** The financial regulations outlining officer responsibilities for financial matters issued by the Chief Financial Officer in accordance with the Constitution.
- Framework Agreement:** An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
- Government Procurement Agreement:** The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
- Monitoring Officer:** As identified in the Constitution.
- High Profile:** A high-profile purchase is one that could have a significant impact on functions integral to council service delivery should it fail or go wrong.
- High Risk:** A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
- High Value:** A high-value purchase is where the value exceeds the EU Threshold values.
- Invitation to Tender:** Invitation to tender documents in the form required by these contract procedure rules.
- Line Manager:** The Officer's immediate superior or the officer designated by the Chief Officer to exercise the role reserved to the line manager by these contract procedure rules.
- Nominated Suppliers and Sub-contractors:** Those persons specified in a main contract for the discharge of any part of that contract.
- Non-commercial Considerations:**
- (a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').
 - (b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.
 - (c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.

- (d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').
- (e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
- (f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
- (g) Financial support or lack of financial support by contractors for any institution to or from which the Council gives or withholds support.
- (h) Use or non-use by contractors of technical or professional services provided by the Council under the Building Act 1984 or the Building (Scotland) Act 1959.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.

Officer: The officer designated by the Chief Officer to deal with the contract in question.

Parent Company Guarantee: A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.

Priority Services: Those services required to be tendered as defined in the EU public procurement directives.

Procurement Strategy: The document setting out the Council's approach to procurement and key priorities for the next few years. This can be found on the Intranet.

Quotation: A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).

Relevant Contract: Contracts to which these contract procedure rules apply (see Rule 4).

Shortlisting: The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.

Supervising Officer: The Line Manager's immediate superior.

Tender: A Candidate's proposal submitted in response to an Invitation to Tender.

Tender Record Log: The log kept by the Monitoring Officer to record details of Tenders (see Rule 13.5).

Total Value: The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:

(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period

(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months

(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48

(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result

(e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.

TUPE: (Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246) - Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

Value for Money: Value for money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

OFFICER EMPLOYMENT PROCEDURE RULES

This Part deals with the appointment and dismissal of staff.

The Head of Paid Service is responsible for employment matters.

1. Prescribed Standing Orders

1.1 subject to rule 1.2 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority by the head of paid service or by an officer nominated by him or her.

1.2 rule 1.1 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the head of the paid service.
- (b) a statutory chief officer.
- (c) a non-statutory chief officer.
- (d) a deputy chief officer.
- (e) a political assistant.

1.3 permanent appointment shall be upon a contract which, unless terminated earlier by either party, would continue for a period of more than 18 months. interim appointment shall be upon terms which will terminate before the expiry of a period of no more than 18 months, unless extended with the approval of the appointments committee (for chief and deputy chief officers) or the head of paid service (for all other officers).

1.4 appointment shall include designation as head of paid service, chief finance officer and monitoring officer. recruitment and appointment

2.1. Declarations

2.1.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have any relationship with any councillor or officer of the Council;

No candidate so related to a Councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him.

2.2. Seeking support for appointment

2.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF CHIEF EXECUTIVE/HEAD OF PAID SERVICE AND CHIEF OFFICERS

Where the Council proposes to appoint a Chief Executive/Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- 2.1 draw up a statement including the following:
 - 2.1.1 the duties of the Officer concerned; and
 - 2.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 2.3 make arrangements for a copy of the procedures mentioned in paragraph 1.1 to be sent to any person on request.

3. APPOINTMENT OF HEAD OF PAID SERVICE

- 3.1 The full Council will approve the appointment of the Head of Paid Service, following the recommendation of such appointment by a committee or sub-committee of the Council.

4. APPOINTMENTS AND DISMISSALS OF CHIEF OFFICERS

In this paragraph –

“the Appointing Committee” means the Appointments Sub-Committee

“the Dismissing Committee” means the Investigatory Sub-Committee

“the proper officer” means the Head of Law and Governance.

- 4.1 The appointment and dismissal of the Chief Executive/Head of Paid Service, Chief Officers and any assistant for political groups (appointed in pursuance of Section 9 of the Local Government Housing Act 1989) is the responsibility of the relevant Committee.
- 4.2 Where the relevant Committee is proposing to appoint or dismiss the Chief Executive/Head of Paid Service, the Council must approve that appointment before the offer of appointment is made or must approve that dismissal before notice of dismissal is given.
- 4.3 The Committee shall not make an offer of appointment in relation to any of the officers named in 4.1 above (apart from an assistant for political groups) until;
 - 4.3.1 The relevant Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
 - 4.3.2 Notice of the dismissal of an officer named in 4.1 above must not be given by the Committee until –
 - (a) The Committee has notified the proper officer of the name of the person who the Committee wishes to dismiss (in the case of the Chief

Executive/Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, subject to the approval of the Council) and any other particulars which the Committee considers are relevant to the dismissal;

5. **OTHER OFFICERS**

- 5.1 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive/Head of Paid Service or his nominee, and may not be undertaken by councillors.
- 5.2 Councillors will not be involved in disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

6. **SUSPENSION**

An officer named in 4.1 above and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

7. **APPEALS**

None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal by:

- 7.1 any person against any decision relating to the appointment of that person as a member of staff of the authority; or
- 7.2 a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the member of staff has less than six months notice – in these instances the appeal shall be conducted by a senior officer.

8. **APPOINTMENT OF POLITICAL ASSISTANTS**

For the purposes of Section 9(2)(d) of the Local Government and Housing Act 1989 (the 1989 Act):

- 8.1 no appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the groups which qualify for one;
- 8.2 no political group shall be allocated a post unless it qualifies for one under the 1989 Act; and
- 8.3 no political group shall be allocated more than one post.

OADBY AND WIGSTON BOROUGH COUNCIL

PETITION SCHEME

1. Introduction and Background

The Council has an extensive programme to engage its local communities and it recognises that petitions are another method of local people raising an issue which requires a Council response.

This Scheme sets out how we will respond to your correspondence. All petitions sent or presented to the Council will receive acknowledgement from the Council within 5 working days of receipt. We will aim to provide you with details about what the Council plans to do with your petition or action which the Council will take within 10 working days of receipt of your petition. The Council will treat something as a petition if it is identified as being a petition, or if it appears that it is intended to be a petition.

Paper petitions should be sent to:

Democratic Services
Oadby and Wigston Borough Council
Council Offices
Station Road, Wigston
Leicestershire
LE18 2DR

or by e-mail to democratic.services@oadby-wigston.gov.uk.

or be created, signed and submitted on-line by following this link

<http://moderngov.oadby-wigston.gov.uk/mgepetitionlistdisplay.aspx?bcr=1>

If a petition is delivered direct to the Council Offices of Customer Service Centre (CSC), it should be handed directly to the Receptionist or the CSC Staff.

In order to ensure the neutrality of Officers, no petition should be handed directly to an officer, other than the Receptionist of CSC Staff, and no photographic or video recording of the delivery of the petition is permitted within the Council Offices.

If you would like advice on this Scheme, please contact Democratic Services on (0116) 257 2775 or at democratic.services@oadby-wigston.gov.uk.

2. What are the Guidelines for Submitting a Petition?

Petitions submitted must:

- (a) include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and

- (b) it should relate to an issue which affects the Borough and/or over which the Borough has some influence;
- (c) include the name and address and signature of every person supporting the petition. The address should be that at which you live, work or study in the Borough;
- (d) include the contact details, including an address and telephone number, for the petition organiser. This is the person the Council will contact to explain how it will respond to the petition. If the petition does not identify a petition organiser, the Council will contact the first signatory to the petition;
- (e) the Council will not accept petitions where there are no contact details for the petition organiser or the first signatory.

3. Who can Sign a Petition?

In order to sign a petition you must be living, working or studying in the Borough. A blank petitioning form is available for your use from the Council’s website.

4. How will the Council Respond to Petitions?

The Council will always adopt a pragmatic approach to dealing with petitions and will endeavour to resolve issues raised by a petition directly, where appropriate. How the Council responds to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:

- (a) the relevant Director dealing with the issue directly;
- (b) taking the action requested in the petition;
- (c) considering the petition at a Council meeting;
- (d) holding an inquiry into the matter;
- (e) holding a public meeting;
- (f) holding a consultation;
- (g) holding a meeting with petitioners;
- (h) calling a referendum; and
- (i) writing to the petition organiser setting out the Council’s views about the request in the petition, which may include taking no action.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petition.

5. Types of Petition

There are a number of types of petition. They are set out below. How the Council will deal with them is explained later in this document.

TYPE OF PETITION	NUMBER OF SIGNATORIES REQUIRED	BRIEF DESCRIPTION OF THE DIFFERENT TYPES
Ordinary petitions	10 signatories	<ul style="list-style-type: none"> • Relates to things for which Council has responsibility for or affect the area or over which the Council has influence.

TYPE OF PETITION	NUMBER OF SIGNATORIES REQUIRED	BRIEF DESCRIPTION OF THE DIFFERENT TYPES
Petitions for debate at a Council meeting	100 signatories	<ul style="list-style-type: none"> If you want the petition to be reported and debated at a Council meeting by councillors.

6. Exemptions

1. The Head of Law and Governance may reject petitions which are, in his/her opinion:
 - not concerned with an issue which affects the Borough or do not raise matters over which the Authority has responsibility or has some influence; defamatory, illegal, scurrilous, frivolous, offensive, out of order or relates to a specific licensing or planning application; relates to substantially the same issue / subject as a petition which has been received by the Authority in the last 12 months; requests the Council to do something which conflicts with Council policy.
2. If you wish to raise issues of possible Borough councillor misconduct under the Members' Code of Conduct and the Local Government Act 2000 then you should do this via the formal member complaint process. Details of how you can do this, the process and a complaint form are available on the Council's website. You can telephone the Monitoring Officer for advice on this process on 0116 257 2775.
3. Duplicate petitions - if more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser but only the petition organiser of the first petition will be invited to address the meeting.
4. If the petition applies to a planning or licensing application, is a statutory requirement (for example, requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available from the following contacts:
 - (a) Planning – (0116) 288 8961
 - (b) Licensing – (0116) 257 2642
 - (c) Council Tax – (0116) 288 8961
 - (d) Referendum (Elections Office) – (0116) 257 2722
5. If your petition is about something that a different council or other organisation is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, the Council will always notify you of what action has been taken.

If Democratic Services rejects a petition for any of these reasons, then he/she will notify you of the rejection and tell you the reasons why. Democratic Services will also notify the Chief Executive and relevant Director if appropriate.

7. What Happens When a Petition is Received

<p>When a petition is received, of whatever sort</p>	<ul style="list-style-type: none">• It will be acknowledged to the petition organiser within 5 working days of receipt.• We will aim to provide you with details about what the Council plans to do with your petition or action which the Council will take within 10 working days of receipt of your petition.• In some cases Democratic Services may be able to resolve the petitions request directly, by asking the relevant Committee Chair or Director to take some action. For example, if the petition relates to fly tipping the Director can arrange for it to be cleared up directly. Where this is done, Democratic Services will ask the petition organiser whether he/she considers that the matter is resolved. Democratic Services will inform the petition organiser at the time of acknowledgement that they intend to try and resolve the matter in this way.• If the petition organiser is satisfied with the proposed direct action he/she will be asked to confirm this to Democratic Services. If the petition organiser does not confirm that they are satisfied with the proposed direct action within 10 working days from the date of the detailed response then Democratic Services will assume that the petition organiser is satisfied and that no further action is required.• If the petition organiser is not satisfied with the proposed direct action then he/she should notify Democratic Services within 10 working days from the date of the detailed response. Democratic Services will, as soon as practicable, respond to the organiser setting out:<ul style="list-style-type: none">- who the petition will be reported to for consideration;- if the matter is to go to a meeting, when and where that meeting will take place;- inviting the organiser to attend that meeting and address the meeting in accordance with the Petition Scheme;- any invitation to address the meeting is in addition, but will be dealt with separately, to any other public speaking rights at the meeting.• At the same time, Democratic Services will notify the relevant ward councillors of receipt of the petition.
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	<ul style="list-style-type: none"> • Within 10 days of receipt of the petition Democratic Services will enter details of the petition on the Council's website - including the: <ul style="list-style-type: none"> - subject matter of the petition; - the date of receipt; - what will happen with it; - the petition organiser's contact details (unless they request that they are not made public). • The petitions website will be updated through the process of consideration of the petition to ensure that petitioners can track progress on their petition.
<p>Ordinary petition</p>	<ul style="list-style-type: none"> • Democratic Services will arrange for the petition to be reported to the next convenient meeting of the relevant Committee or full Council. • The Chair will invite the petition organiser to address the meeting for up to 5 minutes on the subject of the petition. If the petition organiser is not present at the meeting the petition will fail and will not be considered. • Members may question the petition organiser and make initial comments for 5 minutes. • The relevant Committee Chair may then address the meeting for up to 5 minutes. • There shall be no vote taken on an ordinary petition. A member may propose that the subject matter be placed on the next convenient ordinary meeting of the relevant Committee. The motion shall be moved and seconded and put to the vote without discussion or debate. • If no such motion is moved or carried then Council takes no further action with the petition. The petition will be referred to the relevant Director or Head of Service who will respond to the petition organiser in writing within 28 days to explain what happened at Council.

<p>Petitions for debate at a Council meeting</p>	<ul style="list-style-type: none"> • Democratic Services will arrange for the petition to be reported to the next convenient meeting of the relevant Committee or Full Council. • The Chair will invite the petition organiser to address the meeting for up to 5 minutes on the subject of the petition. If the petition organiser is not present at the meeting, the petition will fail and will not be considered. • The Mayor will invite the relevant Committee Chair to address the meeting for up to 5 minutes. • The Mayor will invite any relevant ward members to address the meeting. A maximum of 5 minutes in total will be allowed to hear from ward members. • The matter will then be open for a general debate in line with the usual rules of debate. • Council will, where possible, decide, by resolution, how to respond to the petition at the meeting. Council could: <ul style="list-style-type: none"> - take the action requested by the petition (if it has the power to do so); - not to take the action requested for reasons put forward in the debate; - commission further investigation into the matter by a Committee / officers; • The petition organiser will receive written confirmation of the decision following the meeting.
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<p>General rules on how petitions will be dealt with at Council or Committee</p>	<ul style="list-style-type: none"> • A maximum of two petitions only will be permitted at any meeting. Only one petition will be permitted if the Head of Law and Governance receives notice of a deputation under Council Procedure Rule 19. • Petitions that do not relate to an item of business already on the agenda will be considered before the normal business of the meeting. • Petitions will be considered in the order they were received by Democratic Services. • A maximum of 45 minutes in total will be allowed for considering petitions at any meeting. Any petitions not dealt with within the time allowed will be deferred to the next available meeting. • The Mayor may invite an officer to set out the process which will be followed at the meeting before inviting the petition organiser to address the meeting as set out above.
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8. E-petitions

The Council welcomes e-petitions which are created and submitted through its website <http://moderngov.oadby-wigston.gov.uk/mgepetitionlistdisplay.aspx?bcr=1> E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide the Council with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. The maximum time that a petition may remain open is six months.

When you create an e-petition, it may take five clear working days before it is published on-line. This is because the Council has to check that the content of your petition is suitable before it is made available for signature. If the Council feels it cannot publish your petition for some reason, you will be contacted within this time to explain why not. You will be able to change and resubmit your petition if your wish. If you do not do this within ten clear working days, a summary of the petition and the reason why it has not been accepted will be published on the website.

When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within ten clear working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services on (0116) 257 2775 within ten clear working days of receipt of the acknowledgement.

A petition acknowledgement and response will be e-mailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

9. *How do I "Sign" an E-petition*

When you sign an e-petition you will be asked to provide your name, your postcode and a valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail address is valid. Once this step is complete, your "signature" will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

10. **What can I do if I feel my Petition has not be Dealt with Properly**

If you feel that the Council has not dealt with your petition properly, the petition organiser has the right to request that the Council's Monitoring Officer review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Monitoring Officer will endeavour to consider your request as soon as possible.

Should the Monitoring Officer determine the Council has not dealt with your petition adequately, he may use any of his powers to deal with the matter. These powers include instigating an investigation, making recommendations for consideration by a Committee or arranging for the matter to be considered at a meeting of the full Council which will be the conclusion of the matter. The Monitoring Officer will give reasons for any decision made under this review process.

Once the review has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on the Council's website.

Oadby and Wigston Borough Council

MEMBERS' SUBSTITUTE SCHEME

SUBSTITUTION PROCEDURE RULES

1. INTRODUCTION

- 1.1 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations is to ensure that, in the decision-making process, the political balance of and representation on committees and sub-committees of the Council is maintained. This Scheme for the use of substitutes has been adopted to ensure this principle is maintained.

2. APPLICATION

- 2.1 The scheme will apply to all committees, sub-committees and working groups of the Council except
- (i) the Assessment, Determination and Review Sub-Committees;
 - (ii) The Licensing Sub-Committee; or
 - (iii) Private Hire and Taxi Licensing Sub-Committee.

3. NOMINATION AND APPOINTMENT

- 3.1 The Council, when establishing appointments to committees and working groups of the Council, will also appoint substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.
- 3.2 The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:
- more than 5 seats - 3 substitutes
 - 2 to 5 seats - 2 substitutes
 - 1 seat - 1 substitute.
- 3.3 On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective decision making..

4. ATTENDANCE

- 4.1 It is the responsibility of the member who cannot attend the relevant meeting ("the appointor") to arrange for an appointed substitute to attend when he or she is unable to do so, and inform their party group leader, chair and officers of the substitute members and date of the meeting.
- 4.2 Only the appointed substitute members of a body may serve as a member of that body.
- 4.3 A member who is acting as a substitute for a usual member who is the Chair or vice-Chair of the committee will not, by virtue of that substitution, be entitled to act in that capacity.
- 4.4 A substitute may only serve as a member at any meeting at which the appointor has nominated them, and where the appointor intends to be absent for the entire meeting. A

substitute may not be appointed for specific items and no substitutions may be made during the course of the meeting, except as referred to in 4.10 below.

- 4.5 In the case of Committees and Sub-Committees, written notice of the substitution must be received by the Head of Law and Governance no later than 5pm before the last clear working day before the meeting. [e.g if a meeting is held on a Thursday, notice must be given by 5pm on Tuesday, thus allowing one clear day between]. In the case of other bodies, e.g working groups, similar notice is helpful but not obligatory. A form is available from Democratic Services for this purpose.
- 4.6 In the event of illness or other circumstances beyond the member's control, he or she may appoint a substitute at short notice at the discretion of the Chair of the relevant Committee. It is the responsibility of the appointing member to seek the Chair's approval in such an instance.
- 4.7 Notice of the substitution must include the name of the appointer, the substitute and details of the meeting.
- 4.8 Where there is sufficient time, a copy of the agenda and papers for the meeting concerned, and details of any pre-briefs and site visit arrangements, will be sent to the substitute member upon receipt of the notice, otherwise they will be passed over on the day of the meeting. Members are reminded that where they are able to pass on their own papers to the substitute, it is preferable to do so in the case of short notice.
- 4.9 At the commencement of a meeting (or, if appropriate, on his or her arrival if the meeting has started) the appointed substitute will advise the Chair and those present that he or she is attending as a substitute member.
- 4.10 If the appointor attends a meeting after arranging for a substitute member to attend, the substitute member will continue as the voting member of the committee. If a substitute, however, has not arrived by the commencement of the meeting and the original appointed member is present, then the appointed member will continue as the voting member of the committee. Both parties must not vote at the same meeting.
- 4.11 Where a substitute member has attended a meeting which is adjourned to a subsequent date, the appointor may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
- 4.12 Any member attending as the appointed substitute will be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council.
- 4.13 When a member attends a meeting as a substitute for a usual member, the minutes and any report of that meeting will include the name of the substitute, in alphabetical order, amongst those attending the meeting, followed by "(substitute for)" indicating the name of the usual member.

5. VOTING

- 5.1 The substitute member will be entitled to speak and vote in his or her own capacity, and is not constrained by the views of the member for whom he or she is substituting.
- 5.2 No substitute member for the Licensing and Regulatory Committee and Development Control Committee may vote unless he or she has been present for the entire consideration of the item under discussion at that meeting.
- 5.3 The substitute members of the Licensing and Regulatory Committee and Development Control Committee must comply with the Local Licensing and Planning codes of

conduct and the substitute members of these Committees have had the necessary training before first acting as a substitute.

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PART 5

CODES AND PROTOCOLS

PART 5: CODES AND PROTOCOLS

INTRODUCTION

MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR EMPLOYEES

PROTOCOL ON MEMBER/OFFICER RELATIONS

ROLES & RESPONSIBILITIES OF MEMBERS

LOCAL MEMBER CONSULTATIVE CHARTER

CONFIDENTIAL REPORTING ("WHISTLEBLOWING") CODE

LOCAL CODE OF CORPORATE GOVERNANCE

PLANNING CODE OF CONDUCT

LICENSING CODE OF CONDUCT

PROCEDURE AND RESOLUTION OF DISPUTE/CONFLICT BETWEEN OFFICERS AND MEMBERS

MONITORING OFFICER PROTOCOL

5.1 – INTRODUCTION

1. In this Part of the Constitution we set out our Codes and Protocols which govern how Members and Officers should conduct themselves when exercising their roles within the Council and what they can expect from the Council.

This part sets out Nolan’s Seven Principles of Public Life. They underpin the new ethical framework.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Set out below are Nolan’s Seven Principles of Public Life, which underpin the ethical framework in our Constitution. In particular, the codes and protocols set out in this part of the Constitution should be read in the context of these Principles.

1.1 **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

1.2 **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

1.3 **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

1.4 **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

1.5 **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

1.6 **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

1.7 **Leadership**

Holders of public office should promote and support these principles by leadership and example.

5.2 - MEMBERS' CODE OF CONDUCT

MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

Part 1 – General Provisions

Introduction

- 1.1 This Code applies to **you** as a member of Oadby and Wigston Borough Council ('the Authority').
- 1.2 You should read this Code in conjunction with the Procedure Rules as detailed in the Constitution.
- 1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

Interpretation

- 1.4 In this Code:
 - 1.4.1 "**co-opted member**" means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
 - 1.4.2 "**meeting**" means any meeting of:
 - (a) the Authority;
 - (b) any of the Authority's committees, subcommittees, joint committees, joint subcommittees, or area committees.
 - 1.4.3 "**member**" means any person being an elected or co-opted member of the Authority.

Scope

- 1.5 You must comply with this Code whenever you:
 - 1.5.1 act in your capacity as a member or co-opted member of the Authority;
 - 1.5.2 conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed).
- 1.6 Where you act as a representative of the Authority:
 - 1.6.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- 1.6.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Part 2 – The Principles

- 2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

Principle 1 - Selflessness

Holders of public office should act solely in terms of the public interest.

Principle 2 - Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Principle 3 - Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 - Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5 - Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 - Honesty

Holders of public office should be truthful.

Principle 7 - Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

Part 3 – General Obligations

Respect

- 3.1 You must treat others with respect by striving to establish respectful and courteous relationships with everyone you come into contact with as a member.

3.2 You must not:

- 3.2.1 do anything which may cause the Authority to breach any of the equality enactments;
- 3.2.2 bully any person;
- 3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings; in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- 3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

Confidentiality

3.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- 3.3.1 you have the consent of a person authorised to give it;
- 3.3.2 you are required by law to do so;
- 3.3.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- 3.3.4 the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority.

3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

Reputation of the Authority

3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

Use of your position and the Authority's resources

3.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

3.7 You must, when using or authorising the use by others of the resources of the Authority:

- 3.7.1 act in accordance with the Authority's reasonable requirements;
- 3.7.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

Publicity

- 3.8 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Decision making

- 3.9 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.
- 3.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.
- 3.11 You must follow the adopted corporate operational policies of the Authority.

Part 4 – Interests

A. Disclosable Pecuniary Interests

Definition

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:
- (a) yours;
 - (b) your spouse's or civil partner's;
 - (c) somebody with whom you are living as husband and wife or as if you are civil partners; and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

[Note 2: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time.]

Declaring at and participation in meetings

- 4.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:
- 4.2.1 you must disclose the interest to the meeting whether or not it has been registered;
 - 4.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - 4.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.3 Where you have a Disclosable Pecuniary Interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 4.5 Where an executive member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

B. Personal Interests

Definition

- 4.6 You have a personal interest in any business of the Authority where either:
- 4.6.1 it relates to or is likely to affect:
- 4.6.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
- 4.6.1.2 any body:
- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management.
- 4.6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.
- or**
- 4.6.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 4.7 For the purposes of paragraph 4.6, a 'relevant person' is:
- 4.7.1 a member of your family or any person with whom you have a close association; or
- 4.7.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- 4.7.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or
- 4.7.4 any body of a type described in sub-paragraph 4.6.1.1 or 4.6.1.2.

Declaring at and participation in meetings

- 4.8 Subject to paragraph 4.10 below, where you have a Personal Interest in any business of the Authority and where you are aware or ought reasonably to be aware of the existence of the

Personal Interest and you attend a meeting of the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.

- 4.9 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.10 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the Authority's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

C. Personal Interests which might lead to bias

Definition

- 4.11 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:
- 4.11.1 you have a 'Personal Interest' as defined in paragraph 4.6 and 4.7 above; **and**
 - 4.11.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 4.12 The provisions of paragraph 4.11 shall be applied in such a manner as to recognise that this Code should not obstruct a members service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

Declaring at and participation in meetings

- 4.13 If you are present at any meeting of the Authority, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 4.14 and 4.15 below, at the meeting:
- 4.13.1 you must disclose the interest to the meeting (whether or not it is registered);
 - 4.13.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - 4.13.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.14 Where you have a Personal Interest which might lead to bias in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or

otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

4.15 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:

4.15.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;

4.15.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

4.15.3 an allowance, payment or indemnity given to members;

4.15.4 any ceremonial honour given to members; or

4.15.5 setting council tax or precept under the Local Government Finance Act 1992.

D. Registration of interests

4.16 Subject to paragraph 4.18 (Sensitive Interests), you must within 28 days of:

(a) the adoption of this Code; or

(b) your election or appointment to office as a member (where that is later);

notify the Monitoring Officer in writing of :

(i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and

(ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.6.1 above.

4.17 Subject to paragraph 4.18 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.6.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

E. Sensitive Interests

4.18 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

F. Dispensations

4.19 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Council may grant you a dispensation in accordance with rules and procedures established by the Authority.

5.3 - CODE OF CONDUCT FOR EMPLOYEES

5.3 - CODE OF CONDUCT FOR EMPLOYEES

The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This Code of Conduct outlines the existing rules and conditions of service which apply to you as a Council employee and is designed to provide clear guidance to assist you in your day-to-day work.

The Code sets out the standards which are expected of you and provides a framework which will help to promote best practice. Reference should also be made to Nolan's Seven Principles of Public Life in section 5.1. All employees of the Council are required to observe and uphold the standards of the Code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action, including dismissal.

You should therefore read the document carefully, and if you are uncertain about any aspect of its contents, please contact your immediate manager or supervisor.

1. STANDARDS AND ATTITUDE

- 1.1 All employees of the Council are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
- 1.2 Your attitude in dealing with people reflects on the Council so it is important that you are helpful, polite and courteous.
- 1.3 All employees are expected to report, in the first instance, to their manager or supervisor any illegality, impropriety, breach of procedure or policy of the Council.
- 1.4 There are a number of mechanisms available to employees to do this including the Council's complaints procedure and also the Confidential Reporting Code.
- 1.5 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.

2. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

- 2.1 The law requires that certain types of information must be available to councillors, auditors, government services, service users and the public. Different rules apply in different situations. If you are in any doubt as to whether you can release any particular information, always check with your manager or supervisor first.
- 2.2 The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political gain. Also, of course, you should not knowingly pass information on to others who might use it in such a way.
- 2.3 You should not communicate confidential information or documents to others who do not have a legitimate right to know. Information must only be disclosed in accordance with the requirements of the Data Protection Act 1998, which covers computerised and manual information held on individuals. All staff need to bear in mind that an E-mail is as legally binding as a letter and informal messages sent internally can be used in evidence in court proceedings.

- 2.4 Information given in the course of your duties should be accurate and fair and never designed to mislead.
- 2.5 Any particular information received by an employee from a councillor which is personal to that councillor should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required by law.

3. **POLITICAL NEUTRALITY**

- 3.1 Employees serve the authority as a whole. It follows that you must serve all councillors equally and ensure that the individual rights of all councillors are respected.
- 3.2 From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Chief Executive in advance.
- 3.3 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.

4. **RELATIONSHIPS**

4.1 **Councillors**

Mutual respect between employees and councillors is essential for good local government. Some employees need to work closely with councillors. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

4.2 **The Local Community and Service Users**

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the authority.

4.3 **Contractors and Suppliers**

- 4.3.1 All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to your appropriate manager or supervisor on *Form [X] 1* at the earliest opportunity.
- 4.3.2 Orders and contracts must be awarded in accordance with the Council's Contract Procedure Rules and no special favour should be shown to anyone, particularly businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.

5. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are made on the basis of merit and in accordance with the Council's .

- 5.2 In order to avoid any possible accusation of bias, you must not become involved in any appointment if you are related to an applicant, or have a close personal relationship with him or her.
- 5.3 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments in respect of any other employee who is a relative or with whom you have a close personal relationship; nor should you attempt to influence such decisions.
- 5.4 Senior officers (i.e. Head of Service and above) must disclose to the Head of Law and Governance on *Form [X] 2* any relationship known to exist between them and any person they know who is a candidate for an appointment with the Council.
- 5.5 If you apply for promotion or are seeking another job in the Council, you must not approach any councillor for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager or supervisor and not with councillors.

6. **OUTSIDE COMMITMENTS**

- 6.1 Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations or are detrimental to the interests or reputation of the Council.
- 6.2 Employees subject to Green Book conditions and paid from Spinal Point 29 are required to devote their whole-time service to the work of the Council and obtain written consent before taking any outside employment. If you fall into this category, and want to seek the Council's agreement, you should complete *Form [X] 3* and submit it to your Chief Officer. The Council will not unreasonably stop officers from undertaking additional employment, but this employment must not, in the Council's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.
- 6.3 Even if you are not subject to the Green Book provisions you should ensure that none of your outside activities are detrimental to the Council's interests.
- 6.4 If you write a book or article for payment on subjects relating to your work for the Council, you must seek the permission of the Council through your manager or supervisor using *Form [X] 3*. The general presumption would be that any fee or royalty payable would be passed over to the Council.
- 6.5 You must not undertake private or personal work of any description in working hours or in the office unless you have been given specific permission by your manager or supervisor.
- 6.6 Private use of Council facilities and equipment, such as stationery and fax machines, is not allowed. Personal use of the telephone is permitted within reason, provided that calls are properly logged and charges paid back to the Council. Also, you should not arrange to receive correspondence, telephone calls and fax messages in the office related to outside work or private interests.

7. **PERSONAL INTERESTS**

- 7.1 You must declare to your manager or supervisor on *Form [X] 4* any financial or non-financial interests which could bring about conflict with the Council's interests.
- 7.2 If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.
- 7.3 You must not make, or become involved with any official or professional decisions about matters in which you have a personal interest.
- 7.4 Section 117 of the Local Government Act 1972 requires you to make a formal declaration about *contracts or personal contracts* with the Council in which you have a pecuniary interest. Such declarations should be made on *Form [X] 5* and sent to the Head of Law and Governance . It is a criminal offence to fail to comply with this provision which is set out in full at *Annex A*.
- 7.5 You must declare to the Head of Law and Governance *membership of any organisation* not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons. A definition of such an organisation appears at *Annex B*. Such declarations should be made on *Form [X] 6* and sent to the Head of Law and Governance .

8. **EQUALITY**

All members of the local community, customers and other Council employees have a right to be treated fairly and equally. You should become familiar with and observe all Council policies relating to equality issues, eg the Council's Equal Opportunities Policy, in addition to the requirements of the law.

9. **TENDERING PROCEDURES**

- 9.1 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.2 If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship to your manager or supervisor using *Form [X] 4*.
- 9.3 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 9.4 All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

10. **CORRUPTION**

- 10.1 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to receive or give any gift, loan or reward or advantage in their official capacity

“for doing, or not doing, anything”, or “showing favour, or disfavour to any person”. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory rules appear at Annex C.

- 10.2 For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Chief Officer.

11. **POSSIBLE INDUCEMENTS**

11.1 **Introduction**

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this section.

11.2 **Gifts Generally**

11.2.1 Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you or your partner, or to a member of your family, by any person or organisation having dealings with the Council.

11.2.2 Any such offer should be reported to your manager or supervisor (or to the Head of Law and Governance if you are a Chief or deputy Chief Officer) on *Form [X] 7*.

11.2.3 When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to your manager or supervisor or the Head of Law and Governance as appropriate.

11.3 **Gifts to Employees with a Caring Role**

11.3.1 There are sometimes special problems encountered by employees who have a “caring” role, or provide a direct personal service to vulnerable people.

11.3.2 It is not unusual for residents of residential care homes, or for people receiving support at home from Council employees, or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their Will.

11.3.3 It is most important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, therefore, members of staff and their families are not allowed to accept gifts or legacies from clients.

- 11.3.4 If you are made aware that a client is considering making a gift to you or including you in their Will, or has actually done so, then you should immediately report the matter to your Manager who will take it up with the client.
- 11.3.5 Similarly, you should never become involved with making Wills for clients nor act as an Executor in a client's Will.
- 11.3.6 For the purposes of this section of the Code "client" means any current or former client.

11.4 **Exceptions**

- 11.4.1 Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.
- 11.4.2 Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

11.5 **Hospitality**

- 11.5.1 Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
- 11.5.2 Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. Normally the only officers who would attend would be Chief Officers and appropriate heads of service.
- 11.5.3 If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Council.
- 11.5.4 You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.
- 11.5.5 In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
- 11.5.6 All offers of hospitality should be reported to your Chief Officer, or to the Head of Law and Governance if you are a Chief Officer or deputy Chief Officer, on *Form [X] 8*.

11.6 **Checklist**

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- 11.6.1 Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
- 11.6.2 Are you expected to attend because of your position in the community or area?
- 11.6.3 Will the event be attended by others of a similar standing in the community or in other communities?
- 11.6.4 What do you think is the motivation behind the invitation?
- 11.6.5 Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- 11.6.6 Could you justify the decision to the Council, press and public?
- 11.6.7 Is the extent of the hospitality, or the nature of the gift reasonable and appropriate?
- 11.6.8 Are you likely to be expected to respond to the hospitality, and if so, how?
- 11.6.9 Are you comfortable about the decision?

12. **SPONSORSHIP - GIVING AND RECEIVING**

- 12.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 12.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Chief Officer of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

13. **FINANCIAL PROCEDURE RULES**

- 13.1 All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's Financial Procedure Rules.
- 13.2 They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

**ANY BREACHES OF THESE INSTRUCTIONS MAY LEAD TO DISCIPLINARY ACTION AND
COULD LEAD TO DISMISSAL**

ANNEX A

LOCAL GOVERNMENT ACT 1972, SECTION 117

1. If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has an pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section, an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

2. An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

ANNEX B

ORGANISATIONS NOT OPEN TO THE PUBLIC

(See paragraph [7.5] of the Code)

Any lodge, chapter, society, trust or regular gathering or meeting (other than a professional association), which:-

1. is not open to members of the public who are not members of that lodge, chapter, society or trust; or
2. includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society or gathering or meeting; or
3. includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

ANNEX C

BRIBERY ACT 2010

The Bribery Act 2010 creates offences making it unlawful to give or receive financial or other advantages in return for the improper performance of a relevant function or activity. The Act applies to functions and activities of a public nature which an individual is expected to perform in good faith, impartially or in a position of trust.

5.4 - PROTOCOL ON MEMBER/OFFICER RELATIONS

5.4 - PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, the Protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
- 1.3 The Protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and Employees. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 Members and Employees are servants of the public and they depend on each other in carrying out the work of the Authority. Members are responsible to the electorate and serve only so long as their term of office lasts, while Employees are responsible to the Council. Their job is to give advice to the Council, as well as to individual Members, and to carry out the Council's work under the direction and control of the Council and its various bodies.
- 1.6 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.
- 1.7 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

2. ROLES OF MEMBERS

Members undertake many different roles. Broadly these are:

- 2.1 Members express political values and support the policies of the party or group to which they belong (if any).
- 2.2 Members represent their electoral division and are advocates for the citizens who live in the area.
- 2.3 Members are involved in active partnerships with other organisations as community leaders.

- 2.4 Members contribute to the decisions taken in full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- 2.5 Members help develop and review policy and strategy.
- 2.6 Members monitor and review policy implementation and service quality.
- 2.7 Members are involved in quasi-judicial work through their membership of regulatory committees.

3. **ROLES OF EMPLOYEES**

Briefly, Employees have the following main roles:

- 3.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 3.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 3.3 Initiating policy proposals.
- 3.4 Implementing agreed policy.
- 3.5 Ensuring that the Council always acts in a lawful manner.

4. **RESPECT AND COURTESY**

4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

4.2 **Undue Pressure**

- 4.2.1 It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.
- 4.2.2 In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- 4.2.3 A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 4.2.4 Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees.

(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code).

4.3 **Familiarity**

- 4.3.1 Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- 4.3.2 Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.
- 4.3.3 For these reasons close personal familiarity must be avoided.

4.4 **Breach of Protocol**

- 4.4.1 If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.
- 4.4.2 If an employee considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by Assessments Sub-Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

5. **PROVISION OF ADVICE AND INFORMATION TO MEMBERS**

- 5.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 5.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 5 working days of the receipt of the enquiry.
- 5.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.

- 5.4 The Access to Information Procedure Rules of the Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 5.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 5.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 5.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division. (*Further details are contained in the Local Member Consultative Charter, which is annexed to this Protocol*).
- 5.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Committee Chair concerned should be advised about the information provided.
- 5.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.
- 5.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Head of Law and Governance will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

6. **CONFIDENTIALITY**

- 6.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:-
 - 6.1.1 he/she has the consent of a person authorised to give it;
 - 6.1.2 he/she is required by law to do so;

- 6.1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- 6.1.4 the disclosure is -
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority.
- 6.2 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 6.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 6.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 6.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 6.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

7. PROVISION OF SUPPORT SERVICES TO MEMBERS

- 7.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

7.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

7.3 **Media**

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

8. **THE COUNCIL'S ROLE AS EMPLOYER**

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

9. **POLITICAL ACTIVITY**

9.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

9.2 In summary, such employees are prevented from:

9.2.1 being a Member of Parliament, European Parliament or local authority;

9.2.2 acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to in 9.2.1;

9.2.3 being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:-

(a) participate in the general management of the party or branch; or

(b) act on behalf of the party or branch in dealings with persons other than members of the party;

9.2.4 canvassing on behalf of a political party or a candidate for election to any the bodies referred to in 9.2.1

9.2.5 speaking to the public with the apparent intent of affecting public support for a political party; and

9.2.6 publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

9.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles e.g. chairperson or spokesperson. Employees should be required to give information and advice to political groups on Council business only and not on

matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.

- 9.4 Usually the only Employees involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 9.5 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.
- 9.6 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

10. **SANCTIONS**

- 10.1 Complaints about any breach of this Protocol by a member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.
- 10.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer, the Chief Executive or the Head of Law and Governance .

11. **CONCLUSION**

- 11.1 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

ROLES AND RESPONSIBILITIES OF MEMBERS

Contents

Page

- Introduction 1

- Role Profiles

Ward Councillor

Leader of the Council

Deputy Leader of the Council

Leader of an Opposition Group

Chair of Development Control Committee

Chair of Licensing and Regulatory Committee

Deputy Leader of an Opposition Group

Chair of a Committee, Forum or Group

Introduction

Role profiles for Councillors are to be introduced by Oadby and Wigston Borough Council and will be used by the Independent Review Panel (IRP) to underpin the Members Allowance Scheme. They have been developed as a means to clearly set out the expectations of a Ward Councillor and all roles attracting Special Responsibility Allowance (SRA) so as to support the Council's improvement priorities and Member Development.

. There has been consultation with Councillors and key officers to ensure the role profiles reflect the changing role of Councillors and the future needs of the Council and local government. In addition to this, skills and knowledge for each role have been identified to both meet the requirements of any future allowance scheme and support the Member Development programme.

The role profiles set out the roles and responsibilities as well as the skills and knowledge required for each role. The role profile for the Ward Councillor is the foundation for all other roles. The responsibilities, skills and knowledge required for roles attracting an SRA are in addition to those set out for the Ward Councillor.

The role profiles have three main purposes:

- To provide clarity for both Councillors and officers about what is expected of each role
- To provide guidance to the IRP for the Members Allowance Scheme
- To support Councillors in their development by providing a checklist to identify their development needs, both for the roles they are currently undertaking and for future roles to support succession planning

Ward Councillor

Role and Responsibilities

Leadership at Ward Level

- To lead and champion the interests of the local community and effectively represent the interests of the Ward and its constituents.

- To meet and liaise regularly with local interested parties and involve and consult them on key Council decisions.

- To support and promote citizenship locally and empower the community to participate in the governance of the area.

- To undertake case work for constituents and act as an advocate in resolving concerns or grievances.

- To communicate with local people and answer enquiries:
 - o about decisions that affect them
 - o about opportunities in the community
 - o regarding the rights of constituents
 - o as to why decisions are taken

- To act as an advocate for the Council within the Authority and outside

Localism

- To participate constructively in the good governance of the area.

- To use influence as an Elected Representative to develop links between groups and communities in the Ward and local area.

- To forge local partnerships to ensure resources are used to meet the priority needs of the area.

Representation

- To inform the debate at Full Council meetings and contribute to the effectiveness of the Council meeting as the focus of visible leadership.

- To contribute to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery.

- To contribute to the scrutiny of decision making and review of the policies and services of the Council and of other public services delivered in the Borough via the Scrutiny process.

- To represent the authority to the community and the community to the Council.
- To develop and maintain a knowledge of the Council and develop effective working relationships with its officers.
- To participate in the activities of any political group of which the Councillor is a member.
- To represent the Council on outside bodies and to participate effectively in the appointed role and, where appropriate, to represent those bodies within the Borough.

Other

- Commitment to delivering excellent public services.
- To fulfil the legal (in accordance with the Council Code of Conduct for Councillors) and local requirements placed on an elected member.
- To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

Competencies

Community Leadership

Skills

- Ability to lead and champion the interests of the local community
- Ability to manage casework (including the use of IT to support the process)
- Community engagement
- Ability to influence and persuade
- Negotiation skills
- Managing conflict and mediation skills
- Ability to develop relationships with key officers and partner agencies
- Ability to build effective relationships with all sections of the community so as to be able to represent their needs to the Council
- Ability to chair community meetings and facilitate discussions

Knowledge

- Understanding of how the Council works
- Knowledge of the Council structure, key contact officers and services procedures and eligibility criteria
- Knowledge of the political decision making structures
- Understanding of the Code of Conduct for Councillors, ethics and standards and the role of the Standards Committee and the Standards Board for England.
- Understanding of national policies and their impact on the Council
- Knowledge of the strategic priorities and key policies of the Council
- Understanding of legislation and Council policies to which Members must adhere (e.g. Dignity at Work, Smoking Policy, Freedom of Information, Data Protection, equality legislation)

- Basic understanding local government finances and audit processes
- Understanding the Corporate Parenting responsibilities
- Knowledge of the Council's complaints procedure

Communication Skills

- Ability to deal with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Ability to communicate with a range of audiences
- Active listening and questioning skills
- Presentation skills
- Public speaking

Leader of the Council

This role profile identifies the responsibilities, skills and knowledge required of the Leader of the Council.

Role and Responsibilities

- To provide leadership to the Council
- To undertake the role of community leader, building a vision for the area and leading the Council and its partners towards realisation of that vision.
- To represent the Council and provide leadership of the Local Strategic Partnership and other key local, sub regional and regional partnerships.
- To lead the Council and take responsibility for its performance
- To represent the authority, and be accountable for, discussions and negotiations with the community and with regional, national and international organisations.
- To undertake political executive responsibility for proposing and directing the overall strategy, budget, policy arrangements and service reviews.
- To act as spokesperson for the authority (in consultation with the Leader of other political groups and the Chief Executive as is appropriate).
- To ensure the work of the Council is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions set out in legislation.
- To facilitate good communication so that people within and outside the authority are able to contribute constructively to the decision making processes of the Council.
- To work closely with the political majority group to ensure the smooth running of the Group and the personal development of its Members.
- To maintain effective liaison with the Chair of the Overview and Scrutiny Committee.

To work with other Leaders in the sub-region to maximise benefits and opportunities to Leicestershire.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community.

Scrutiny and Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the requirement to respond to Scrutiny

Communication Skills

- Ability to facilitate effective communication within and across the Council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Overview and Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

Excellence in Leadership

- Strong commitment to delivering excellent public services

Skills

- Advanced Leadership Skills
- Ability to develop a vision for Oadby and Wigston and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council and its committees having regard to the terms of reference and the key challenges facing the Council

Knowledge

- A detailed understanding of the strategic role of the leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

Deputy Leader of the Council

This role profile is to be read in conjunction with the role profile for the Leader of the Council. It identifies responsibilities specific to the role of Deputy Leader.

Role and Responsibilities

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority specifically set out in the profile for the former.
- To work with the Leader of the Council on the budget and policy development
- To take the appropriate developmental steps to be equipped with the knowledge and skills to carry out the role of the Leader when called upon

To deputise for the Leader in his or her absence and undertake the above mentioned duties set out in the role profile for the Leader of the Council.

Skills

As it is expected that the Deputy Leader is able to deputise for the Leader, the additional skills and knowledge set out for the Leader are copied here as they are also required of the Deputy Leader.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community.

Scrutiny and Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the requirement to respond to Scrutiny

Communication Skills

- Ability to facilitate effective communication within and across the Council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Overview and Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

Excellence in Leadership

- Strong commitment to delivering excellent public services

Skills

- Advanced Leadership Skills
- Ability to develop a vision for Oadby and Wigston and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council and its committees having regard to the terms of reference and the key challenges facing the Council

Knowledge

- A detailed understanding of the strategic role of the leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

Leader of an Opposition Group

Role and Responsibilities

- To lead an Opposition Group within the Council
- To manage the work of Members within that Group
- To manage the overall co-ordination of opposition spokespersons and the business of the Group
- To scrutinise the Leader of the Council and its Committees in their duties.

- To act as the principal spokesperson for an Opposition Group of which he/she is leader and as a representative of the authority to external bodies and organisations as appropriate.
- To comment, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
- To establish and represent the views of the Group on issues of policy and priority.
- To develop opposition Group policies that are credible and could be implemented by the Council
- To champion member development, to ensure the smooth running of the Group and the personal development of its Members.
- To advise the Leader of the Council of the Group's position on issues relating to external relationships.
- To represent the Group on relevant formal and informal working groups
- To maintain effective liaison with the Scrutiny Chair, where appropriate act as ambassador for the Council
- To participate in the development of corporate strategies and policies e.g. community strategy, corporate improvement plan

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

Scrutiny and Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge and how to provide effective Scrutiny
- Ability to hold the ruling group to account

Communications Skills

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills

- Advanced public speaking skills
- Ability to facilitate effective communication within and across the Council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members
- Research skills and policy development

Excellence in Leadership

Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

Knowledge

- Understanding of the roles of the Leader of the Council, Committee Chairs and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group
- Understanding of the principles and importance of making rational decisions

Chair of Development Control Committee

Role and Responsibilities

- To chair the Development Control Committee in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to development control procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.

Competencies

Regulating and Monitoring

- Ability to represent the Development Control Committee to Members, the community and the media
- Prioritising and managing the work of the Development Control Committee including agenda planning
- Ability to plan and prioritise the business of the Development Control Committee having regard to its terms of reference and key challenges facing the Development Control Committee
- An in-depth understanding of development control issues and protocol relating to planning procedures and the Development Control Committee
- Understanding of the role of Ward Councillors in the planning process and how to handle conflicts of interest between being a Ward Member and a member of the Development Control Committee
- Understanding the role of the Development Control Officers

Working in Partnerships 320

Relationship building particularly with senior officers involved in the planning function, Leaders, and Service Committee Chairs.

Communication Skills

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Development Control Committee
- Intermediate presentations skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Planning function is positively represented
- Advanced chairing skills

N.B. No Member can sit on the Development Control Committee without having had appropriate training.

Chair of Licensing/Regulatory Committee

This role profile is also relevant for the Chair of a Regulatory Committee (Licensing and Regulatory) where the majority of current activity takes place.

Role and Responsibilities

- To chair the Licensing/Regulatory Committee in accordance with its terms of reference.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To represent the Committee's decisions in appeals to the Magistrates and higher Courts.
- To be aware of legislation and ongoing local and national developments on licensing matters and their implications.
- To be the elected member spokesperson in regular scheduled meetings with the taxi vehicle trade and with other interested parties so that the Council maintains relationships and can have positive dialogue on licensing issues.

Competencies

Regulating and Monitoring

- Ability to represent the Licensing Committee to the community and the media
- Ability to plan and prioritise the business of the licensing and regulatory committees having regard to its terms of reference and key challenges facing the licensing and regulatory functions
- Knowledge and understanding of relevant legislation and local/national developments on licensing and regulatory matters – and their implications

Working in Partnership

- Relationship building particularly with senior officers involved in the licensing and regulatory functions, Leaders and Service Committee Chairs.

Communication Skills

- Advanced listening and questioning skills.
- Advanced chairing skills, including the ability to manage conflict
- Communication skills – particularly with Members and Officers involved with the Licensing/Regulatory Committee
- Effective presentations skills
- Effective public speaking skills
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Licensing and Regulatory function is positively represented

N.B. No Member can sit on a Licensing/Regulatory Committee without having had appropriate training.

Deputy Leader of an Opposition Group

This role profile is to be read in conjunction with the role profile for Leader of an Opposition Group.

Role and Responsibilities

- To undertake the development required to ensure the Member is equipped with the knowledge and skills required to carry out the role of the Group Leader when called upon.
- To assist the Group Leader to manage the work of Members within the Group
- To work with the Group Leader on the budget and policy development for the Group
- To deputise for the Group Leader in his or her absence and undertake the duties set out in the role profile for Leader of an Opposition Group.
- To support the Group Leader in the initiation of policy.
- To work closely with other members of your political group and Senior Officers where appropriate.
- To hold the ruling group to account at Council meetings.
- To play a proactive role in Overview and Scrutiny to discuss decisions taken or support the policy formulation process.
- Consult interested parties, ward Councillors and citizens as part of the development and review of group policy

- To assist the Group Leader when consulting on, and drawing up the revenue and capital budgets.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

Communication Skills

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Ability to facilitate effective communication within and across the Council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

324

- Research skills and policy development

Excellence in leadership

Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

Knowledge

- Understanding of the roles of the Leader of the Council, Committee Chairs and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers
- Detailed knowledge of the work of national, regional and sub-regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group.
- Understanding of the principles and importance of making rational decisions

Chair of a Policy/Service Committee, Forum or Group

Role and Responsibilities

- To chair the Committee Forum or Group in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to the Committee's Forum or Group procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee Forum or Group.

325

Competencies

Regulating and Monitoring

- Ability to represent the Committee, Forum or Group to Members, the community and the media
- Prioritising and managing the work of the Committee, Forum or Group including agenda planning
- Ability to plan and prioritise the business of the Committee having regards to its terms of reference and key challenges facing the Committee, Forum or Group
- An in-depth understanding of the issues and protocols relating to the procedures of the Committee, Forum or Group
- Understanding of the role of Ward Councillors in the Committee process and how to handle conflicts of interest between being a Ward Member and a Member of the Committee
- Understanding the role of relevant Council officers

Working in Partnerships

- Relationship building, particularly with senior officers involved in the Committee function, Leaders and other Committee Chairs.

Communication Skills

- Advanced listening and questioning skills
- Communication skills – particularly with members and Officers involved with the work of the Committee, Forum or Group
- Intermediate presentation skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Committee's, Forum or Group's function is positively represented
- Advanced chairing skills

5.5 - LOCAL MEMBER CONSULTATIVE CHARTER

5.5 - LOCAL MEMBER CONSULTATIVE CHARTER

The Council is committed to providing its Elected Members with accurate, helpful and timely consultation, advice and information in relation to any matters of any significance or sensitivity which relate to their particular Electoral Division and where circumstances render it appropriate to involve a Local Member.

1. Directors and staff will be continually vigilant to identify such matters and ensure that Local Members are informed accordingly. This will also include any matter which could impact upon the neighbouring areas of other Members.
2. Directors will ensure that all correspondence/enquiries from Local Members are dealt with promptly and if necessary Members will be kept advised of progress.
3. Appropriate Directors will ensure that, where the Council's Constitution allows, Local Members will be invited to meetings and receive the necessary documentation.
4. Any matter of significance or sensitivity which relates to a particular Electoral Division or Divisions will be discussed with the Local Member(s) concerned before being submitted for consideration by Council or other Council Body. This will provide the opportunity for early awareness and allow a local perspective to be obtained.
5. Directors and staff will regularly brief appropriate Members on service and partnership issues and developments and will use such occasions to help identify any potential local issues.
6. Details of any petitions received which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader. Local Members will be kept informed on the progress/outcomes of such petitions.
7. Copies of all correspondence with MPs and MEPs which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader.
8. Directors and staff will ensure that as much local service information as possible is provided to local members.
9. Services will provide every Member with an Officer contact guide for the services they provide, including where appropriate local contacts.
10. Wherever appropriate, Services will make Local members aware of and invite them to service events and activities in their area. This will include strict adherence to the arrangements that have been agreed for the official opening/launch of Council projects, schemes, exhibitions etc.
11. In certain instances, both Members and Officers will receive an enquiry which relates to a matter in a particular area. In order to ensure consistency of approach in these circumstances, Officers will agree with the Member(s) concerned a single response to such enquiries.
12. As part of a continual review of the Charter's effectiveness, the co-operation of Members is sought in the responsible use at all times of advice and information that is provided to them, and Members are encouraged to advise Officers of the information requirements and of any local circumstances or sensitivities which might have a bearing on the Council's work.

APPENDIX 1

LOCAL CODE OF CORPORATE GOVERNANCE (See Below)

5.6 - CONFIDENTIAL REPORTING (“WHISTLEBLOWING”) CODE

5.6 - CONFIDENTIAL REPORTING (“WHISTLEBLOWING”) CODE

1. INTRODUCTION

- 1.1 This is the Council’s Policy intended to encourage and enable employees to raise concerns within the Council without fear of victimisation, subsequent discrimination or embarrassment. It reflects the Council’s commitment to good practices, to valuing staff and setting continuous improvement in service delivery.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant Council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.
- 1.4 This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or ‘blowing the whistle’ outside.
- 1.5 The Code applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing Services under a contract within the Council in their own premises, for example, care homes. The Council will seek to ensure that as part of its procurement processes, this code is brought to the attention of such external contractors, suppliers and services providers (described in this code as “Contractors”).
- 1.6 These procedures are in addition to the Council’s complaints procedures and other statutory reporting procedures applying to some Services. If asked, employees should make service users aware of the existence of these procedures.
- 1.7 This Code has been discussed with the relevant trade unions and professional organisations and has their support.

2. AIMS AND SCOPE OF THE CODE

- 2.1 This Code aims to:
 - 2.1.1 encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
 - 2.1.2 provide avenues for you to raise those concerns and receive feedback on any action taken.

- 2.1.3 ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- 2.1.4 reassure you that you will be protected from possible reprisals or victimisation.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment or you consider that you are being harassed due to your race, sex or age, or if you are concerned about health and safety risks. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures.
- 2.3 These include:
 - 2.3.1 conduct which is an offence or a breach of law;
 - 2.3.2 disclosures related to miscarriages of justice;
 - 2.3.3 health and safety risks, including risks to the public as well as other employees;
 - 2.3.4 damage to the environment;
 - 2.3.5 the unauthorised use of public funds;
 - 2.3.6 possible fraud and corruption;
 - 2.3.7 sexual or physical abuse of clients;
 - 2.3.8 any attempt to prevent disclosure of any of the above;
 - 2.3.9 other unethical conduct.
 - 2.3.10 Thus, any serious concerns that you have about any aspects of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code.
- 2.4 This may be about something that:
 - 2.4.1 makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to;
 - 2.4.2 is against the Council's Constitution and policies;
 - 2.4.3 falls below established standards of practice;
 - 2.4.4 amounts to improper conduct.

3. **SAFEGUARDS**

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement is made in good faith, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

- 3.3 The Council will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action to protect you when you raise a concern in good faith. This action will depend on the type of concern and specific service arrangements. On very rare occasions, you may be asked whether you would be prepared to obtain further information.
- 3.4 This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.
- 3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. **CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. At the appropriate time, however, you may need to come forward as a witness. If you wish to be supported by a representative of your choice, then this would be available to you.

5. **ANONYMOUS ALLEGATIONS**

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In exercising this discretion, the facts to be taken into account would include:
 - 5.3.1 the seriousness of the issues raised;
 - 5.3.2 the credibility of the concern; and
 - 5.3.3 the likelihood of confirming the allegation from attributable sources.

6. **UNTRUE ALLEGATIONS**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. **HOW TO RAISE A CONCERN**

This procedure applies to Council employees and contractors.

- 7.1 As a first step, you should normally raise concerns with your immediate line manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management is involved, you should approach the Chief Executive, the Head of Law and Governance or, the Head of Finance.
- 7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- 7.2.1 the background and history of the concern, giving relevant dates;
- 7.2.2 the reason why you are particularly concerned about the situation.
- 7.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.4 Advice/guidance on how to pursue matters of concern may be obtained from:
 - 7.4.1 Head of Finance Senior Auditor
- 7.5 Alternatively, you may wish to seek advice from a person independent of the Council. In this case you should contact the Council's External Auditors (). You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two or more of you who have had the same experience or concerns.
- 7.6 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

- 8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
 - 8.2.1 be investigated by management, internal audit, or through the disciplinary process;
 - 8.2.2 be referred to the police;
 - 8.2.3 be referred to the external auditor;
 - 8.2.4 form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, are your well-being and the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the person with whom you have raised your concerns will write to you:
 - 8.5.1 acknowledging that the concern has been received;
 - 8.5.2 indicating how we propose to deal with the matter;

- 8.5.3 giving an estimate of how long it will take to provide a final response;
 - 8.5.4 telling you whether any initial enquiries have been made;
 - 8.5.5 supplying you with information on staff support mechanisms; and
 - 8.5.6 telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 8.7 However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.
- 8.8 Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the Head of Law and Governance , for a decision to be made as to whether such a course of action is both necessary and proportionate.

Important:

- 8.9 Managers must not, under any circumstances, ask an individual to obtain further information covertly, from another person, without following this procedure. Failure to do so may infringe Human Rights and render the Council liable to legal action.
- 8.10 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.11 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.12 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. **THE RESPONSIBLE OFFICER**

Corporate Directors and their senior staff who receive concerns will copy the initial complaint to the Head of Law and Governance , and keep that officer informed of the progress and outcome of the investigation. The Head of Law and Governance has overall responsibility for the maintenance and operation of the Code. That officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

10. **HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 This Code is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not,

and if you feel it is right to take the matter outside the Council, the following are possible contact points:

10.1.1 The Council's external auditors:

10.1.2 you local Citizens' Advice Bureau

10.1.3 relevant professional bodies or regulatory organisations

10.1.4 a relevant voluntary organisation

10.1.5 the police

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

5.7 - LOCAL CODE OF CORPORATE GOVERNANCE

5.8 - THE COUNCIL'S CORPORATE GOVERNANCE ARRANGEMENTS

1. **PRINCIPLE 1: FOCUSING ON THE COUNCIL'S PURPOSE AND COMMUNITY NEEDS**

- 1.1 The Council will exercise strategic leadership by developing a clear vision and purpose, identifying intended outcomes and ensuring that these are clearly communicated to all stakeholders of the organisation, both internal and external. In doing so, the Council will report regularly on its activities and achievements, and its financial position and performance. The Council will publish annually:
- 1.2 The Corporate Strategy and Annual Report, including externally verified performance information;
 - 1.2.1 Directorate and Service Plans;
 - 1.2.2 The Statement of Accounts, incorporating the Annual Governance Statement.
- 1.3 In addition, the Council will keep its corporate strategies, objectives and priorities under constant review, so as to ensure that they remain relevant to the needs and aspirations of the community.
- 1.4 In undertaking all its activities, the Council will aim to deliver high quality services which meet the needs of service users. Delivery may be made directly, in partnership with other organisations or by a commissioning arrangement. Measurement of service quality will also be a key feature of service delivery. In addition, the Council will aim to ensure that tax payers and service users receive excellent value for money, and the Council will therefore continue to review this.
- 1.5 The Council will also seek to address any concerns or failings in service failure by adhering to and promoting its Complaints and Feedback Procedure.

2. **PRINCIPLE 2: HAVING CLEAR RESPONSIBILITIES AND ARRANGEMENTS FOR ACCOUNTABILITY**

- 2.1 To ensure accountability, the Constitution determines the roles and responsibilities of the Council's functions.
- 2.2 In particular, the Council's Constitution:
 - 2.2.1 clearly defines the statutory roles of Head of Paid Service, Section 151 Officer and Monitoring Officer;
 - 2.2.2 sets out a protocol to address the working relationship between the Leader and the Chief Executive which enables each to fulfil their respective roles;
 - 2.2.3 ensures that a constructive working relationship exists between Members and Officers and that the responsibilities of Members and Officers are carried out to a high standard;
 - 2.2.4 includes schemes of member and officer delegations;
 - 2.2.5 includes protocols for partnership working that help to ensure that responsibilities are clearly defined and that relationships work effectively for the benefit of service users;

2.2.6 requires appropriate governance arrangements for partnerships, which define the legal status of the entity and also the extent to which decisions taken by the partnership will be binding for each organisation;

2.2.7 will be reviewed annually.

3. **PRINCIPLE 3: GOOD CONDUCT AND BEHAVIOUR**

3.1 The Council will conduct its activities in a manner which promotes high ethical standards and good behaviour and will ensure that its Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance. The following policies and protocols have been established and will be kept under review to assist the Council in fostering this culture:

3.1.1 Member Code of Conduct

3.1.2 Officer Code of Conduct

3.1.3 Employee Code of Conduct

3.1.4 Protocol on Officer/Member Relations

3.1.5 Whistleblowing policy

3.2 The aim is to develop a set of shared values which will underpin an ethos of good governance. This will be further supported by compliance with legislation and all relevant professional standards.

3.3 The Council has also established a Policy, Finance and Development Committee to discharge its responsibilities for promoting and maintaining high standards of Member conduct.

3.4 Where the Council works in partnership it will continue to uphold its own ethical standards, as well as acting in accordance with the partnership's shared values and aspirations.

4. **PRINCIPLE 4: INFORMED, TRANSPARENT DECISION MAKING AND MANAGING RISK**

4.1 The Council observes this principle through the:

4.1.1 Establishment of an effective scrutiny function;

4.1.2 Recording of all decisions taken and the reasons for those decisions;

4.1.3 Maintenance of registers to record potential conflicts of interest;

4.1.4 Operation of the Policy, Finance and Development Committee;

4.1.5 Existence of an effective and transparent complaints and feedback procedure;

4.1.6 Provision of timely and relevant information to all interested parties;

- 4.1.7 Involvement of proper professional legal and/or financial expertise to inform decision-making;
 - 4.1.8 Existence of an embedded risk management culture;
 - 4.1.9 Existence of effective whistle blowing procedures;
 - 4.1.10 Observation of all specific legislative requirements placed upon the Council.
- 4.2 The Council has established a scrutiny framework that will ensure policies and decisions are made which reflect the Council's strategic objectives and priorities. Members will be supported in decision making by ensuring that they are properly informed of all legal and resource considerations.
- 4.3 Risk management processes within the Council will be maintained so as to ensure that the risk and impact of decisions can be fully assessed.

5. **PRINCIPLE 5: DEVELOPING SKILLS AND CAPACITY**

- 5.1 The Council is continually seeking to develop the capacity and capability of both its members and officers in recognition that the people who direct and control the organisation must have the right skills to do so. This is achieved through a commitment to training and development, as well as recruiting people with the right balance of knowledge and experience.
- 5.2 The Council will achieve this by:
- 5.2.1 Operating Member and employee induction programmes and identifying personal development needs;
 - 5.2.2 Providing career structures to encourage development;
 - 5.2.3 Investing in Member and Officer training and development;
 - 5.2.4 Maintaining an effective performance management system;
 - 5.2.5 Encouraging a wide variety of individuals to participate in the work of the Council.

6. **PRINCIPLE 6: ENGAGING STAKEHOLDERS TO ENSURE ROBUST ACCOUNTABILITY**

The Council will seek the views of its stakeholders and respond appropriately. The Council will achieve this by:

- 6.1 publishing an annual Statement of Accounts and Annual Report to inform stakeholders and services users of the previous year's achievements and outcomes;
- 6.2 producing plans for service delivery within the community;
- 6.3 clearly identifying its stakeholders, in order to ensure that relationships with these groups continue to be effective;

- 6.4 maintaining effective and clear channels of communication which reach all groups within the community and other stakeholders as well as offering a range of consultation methods;
- 6.5 producing an annual report on the performance of the scrutiny function;
- 6.6 providing a variety of opportunities for the public to engage effectively with the Council including attending meetings;
- 6.7 ensuring partnership arrangements demonstrate clear, appropriate governance accountabilities;
- 6.8 presenting itself in an open and accessible manner to ensure that council matters are dealt with transparently, in so far as the need for confidentiality allows;
- 6.9 developing an internal communication policy which will outline how staff and their representatives are consulted and involved in decision-making.

7. **MONITORING, REVIEW AND REPORTING**

- 7.1 The Council has two committees that are jointly responsible for monitoring and reviewing the Council's corporate governance arrangements:

- 7.1.1 Policy, Finance and Development Committee;

- 7.1.2 The Change Management Committee .

The two committees will liaise on any issue, principally matters relating to corporate governance that may be of common concern to both.

- 7.2 Both above-mentioned Committees has various powers and responsibilities in relation to audit and governance issues, as detailed in the Constitution.

- 7.3 The Policy, Finance and Development Committee in particular promotes and maintains high standards of conduct by councillors and co-opted members of the Council. The Committee also assists Councillors to observe the Members' Code of Conduct and provides advice to the Council on issues relating to Member/Officer relations.

- 7.4 The Council is required to annually review the effectiveness of its system of internal controls. This review will seek to:

- 7.4.1 Identify principal risks to the achievement of council objectives;

- 7.4.2 Identify and evaluate key controls to manage principal risks;

- 7.4.3 Obtain assurances of the effectiveness of key controls;

- 7.4.4 Evaluate assurances and identify gaps in control/assurances.

8. **THE ANNUAL GOVERNANCE STATEMENT**

- 8.1 Following the annual review of the Council's governance arrangements and system of internal control, an Annual Governance Statement (AGS) will be published as part of the Council's Statement of Accounts.

- 8.2 Action plans will be drawn up in response to any significant control weakness identified in the AGS. A follow up process will be overseen by the Policy, Finance and Development Committee to ensure continuous improvement of the system of corporate governance.

5.9 - CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

5.9 - CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate Members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between Members and Officers and between the public and the Council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - 1.3.1 Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - 1.3.2 Members should not place themselves in situations where their honesty or integrity may be questioned.
 - 1.3.3 Members should make decisions on merit.
 - 1.3.4 Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - 1.3.5 Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
 - 1.3.6 Members should respect the impartiality and integrity of Officers.
- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.
- 1.5 This Code of Practice sets out practices and procedures that Members and Officers of the Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.

- 1.6 Failure to follow this Code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.
- 1.7 This Code of Practice sets out principles to guide members and officers in determining planning applications and making other decisions within the terms of reference of Planning Committee. Although of particular relevance to members of Planning Committee it applies to all members of the Council who may become involved in planning and development matters.

2. **THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS**

- 2.1 Members and Officers have different, but complementary roles. Both serve the public but Members are responsible to the electorate, while Officers are responsible to the Council as a whole.
- 2.2 The role of a member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.3 Whilst Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.4 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgement and make a decision in the interests of the area as a whole.
- 2.5 Whilst Members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 Officers in their role of advising Members shall provide:
 - 2.7.1 Impartial and professional advice;
 - 2.7.2 Consistency of interpretation of planning policy; and
 - 2.7.3 Complete written reports covering all necessary information for a decision to be made.
- 2.8 The Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.

- 2.9 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its Members or other Officers, have prevailed upon the Officer to put forward his or her professional view as something other than it really is. If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it should consider whether to defer the application to the next available committee, before making the final decision. This will allow Members to obtain further legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations. If such a decision is made it must be clearly minuted, expressed clearly and be based upon sound planning reasons supported by evidence.
- 2.10 The Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. A superior officer shall not have the power to overrule the professional advice of the head of the planning service.
- 2.11 Officers shall follow the guidance on their standards of conduct as set out in the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000.
- 2.12 Members shall follow the advice in the Member's Code of Conduct about accepting gifts and hospitality. Members should treat with extreme caution any offer which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, Officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.

3. **INTERESTS OF MEMBERS**

- 3.1 Where members have interests which may be thought likely to influence their decision, the fact should be declared at the meeting.
- 3.2 Where the interest is such that members of the public may feel that the member will not be able to approach matters with an open mind and consider the application on its planning merits, members should consider withdrawing from the Committee for that item.
- 3.3 These principles apply equally to members who are not members of Planning Committee Members who have such interests should consider whether it is appropriate for them to participate in the planning process, and in any event, should declare such interest at any meeting which they may attend or in any letter which they may write.
- 3.4 Members should seek guidance from officers.
- 3.5 Members of Planning Committee and Officers who attend Planning Committee regularly should complete the Annual Return required for this purpose.
- 3.6 The Code of Conduct for Members provides guidance as to personal and prejudicial interests which may affect a member's ability to take part in the decision-making process. However, members may have other interests which may influence their decision which will not amount to personal or prejudicial interests for the purposes of the Code. In order to maintain the integrity of the planning system, members should

be careful to ensure that such interests do not unduly influence their decisions. Examples of such interests are:-

- 3.6.1 from ward concerns;
- 3.6.2 from membership of other Committees of the Council;
- 3.6.3 from membership of other public or community bodies;
- 3.6.4 from membership of voluntary associations and trusts (including where appointed by the Council);
- 3.6.5 from a connection with a particular policy initiative of the Council;
- 3.6.6 from membership of clubs, societies and groups; and
- 3.6.7 from hobbies and other leisure interests.

Such interests may mean that a Member is involved with a planning application before the matter comes before the Planning Committee. Such involvement need not on its own debar a member from participating in making the planning decision when the matter is considered by Planning Committee providing that the member has not already decided how they will vote on the matter before the Committee. Members should, however, always consider carefully whether in any particular case they could reasonably be seen to approach the planning merits of the application with an open mind. If the member considers that this is not possible, the member should withdraw from consideration of that item.

- 3.7 As a minimum, the integrity of the planning system requires openness on the part of members; it must operate fairly and be seen to operate fairly.

4. **DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY**

- 4.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.
- 4.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 4.3 Members of the Planning Committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare a personal and prejudicial interest and take no part in the discussion and determination of that proposal, except where they are the local Member when they may speak on matters of local concern but shall not vote.
- 4.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

5. **STATUTORY DUTIES**

The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when

such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

5.1 **Equality Act 2010**

Section 149 provides that:

5.1.1 A council must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a protected characteristic and persons who do not share it.

5.1.2 The above powers relate to the following protected characteristics:-

- (a) Ages;
- (b) Disability;
- (c) Gender reassignment;
- (d) Marriage and civil partnership;
- (e) Pregnancy and maternity;
- (f) Race (including colour, nationality and ethnic or national origins);
- (g) Religion or belief;
- (h) Sex; or
- (i) Sexual orientation.

5.2 **Human Rights**

Section 6(1) of the Human Rights Act 1998 provides that:

"It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right."

5.3 **Best Value**

Section 3(1) of the Local Government Act 1999 provides that:

"A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

5.4 **Crime and Order**

Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

6. **LOBBYING OF AND BY MEMBERS**

- 6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 6.3 The time for individual Members of the Planning Committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.
- 6.4 A Planning Committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, Planning Committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members who are lobbied should:
 - 6.4.1 make clear that they reserve their final decision on a proposal until the committee meeting;
 - 6.4.2 only give procedural advice;
 - 6.4.3 consider referring those lobbying to the relevant Officer who can provide further advice; and
 - 6.4.4 not seek to meet an applicant or potential applicant alone.
- 6.5 Members of the Planning Committee shall not, in general, organise support or opposition for a proposal, or lobby other Members (other than when addressing the Planning Committee). Members shall not put improper pressure on officers for a particular recommendation.
- 6.6 The local Member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting (either presenting their own views if they are an affected party or representing the views of their ward members) but not

- vote. The member of an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the Planning Committee, be allowed to attend and speak but not vote. A local Member who has a personal or prejudicial interest in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.
- 6.7 If a member of the Planning Committee identifies himself or herself with group or individual campaigning for or against an application, he or she shall declare a personal and prejudicial interest and not vote or decide on the matter. However, that Member shall be given the opportunity to address the Committee and must leave the meeting as soon as they have spoken and not return until a decision has been made by Committee.
 - 6.8 Members of a Planning Committee must be free to vote as they consider appropriate on planning matters. A Member cannot be instructed how to exercise their vote on a planning matter.
 - 6.9 Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers.

7. PRE- AND POST- APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 7.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, and are provisional.
- 7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 7.5 Members need to preserve their role as impartial decision makers and should not take part in pre- or post- submission discussions and negotiations with applicants regarding development proposals. Should there be occasions when Members are involved, it should be part of a structured arrangement with Officers, including a senior planning officer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 7.6 Members may receive information from applicants and give information to applicants and Members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by Members should be provided to the officers dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant officer.

8. **OFFICER REPORTS TO COMMITTEE**

- 8.1 The Head of Planning and Regeneration will submit written reports to the appropriate Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning and Regeneration shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Head of Planning and Regeneration in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 8.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 8.3 The Head of Planning and Regeneration will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

9. **PLANNING CONSIDERATIONS**

- 9.1 Planning decisions should be made on planning considerations and should not be based on immaterial considerations.
- 9.2 Members of Planning Committee should attend training sessions which may be organised from time to time. All other members are encouraged to attend.
- 9.3 Planning legislation, as expanded by Government Guidance and decided cases, defines which matters are material considerations for the determination of planning decisions. There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.
- 9.4 Briefly, at the date of the preparation of this Protocol, material planning considerations include:-
 - 9.4.1 the Development Plan;
 - 9.4.2 Government Guidance (contained in such documents as Circulars, Planning Policy Guidance Notes, Mineral Policy Guidance Notes, Planning Policy Statements and Ministerial announcements);
 - 9.4.3 Supplementary Planning Documents adopted by any related Committee;
 - 9.4.4 non-statutory planning policies adopted by the Council;
 - 9.4.5 the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas;
 - 9.4.6 the statutory duty to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;

- 9.4.7 representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters;
 - 9.4.8 planning obligations (given unilaterally or by way of agreement) under section 106 of the Town and Country Planning Act 1990.
- 9.5 it should, however, be noted that the risk of costs being awarded against the Council on appeal is not itself a material planning consideration.
- 9.6 It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are immaterial planning decisions.
- 9.7 Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land – such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.
- 9.8 The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.
- 9.9 Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.
- 9.10 It will be inevitable that all the considerations will not point wither to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated, if challenged on appeal.

10. **THE DECISION MAKING PROCESS**

- 10.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 10.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 10.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 10.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning and Regeneration, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 10.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning and Regeneration,

or the Development Plan, agreement shall be reached at the meeting on the planning reasons for that decision. They shall be fully minuted by the Head of Law and Governance .

10.6 The reasons for Committee's decision to defer any proposal should also be recorded.

11. SITE VISITS BY THE COMMITTEE

11.1 A site visit may be held if the Head of Planning and Regeneration in consultation with Chair of the relevant committee considers it will assist members in reaching their decision. This would be, for example, where the impact of the proposed development is difficult to visualise from plans and supporting material. Members should try to attend site visits organised by the Council where possible.

11.2 Site visits will be organised in accordance with the following procedures:

11.2.1 The Head of Law and Governance will invite the local Member to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chair of the relevant Planning Committee the local Member for the adjacent division will also be invited.

11.2.2 The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.

11.2.3 Objectors will not normally be invited to attend a site visit or participate in any discussions on site.

11.2.4 On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning and Regeneration, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning and Regeneration, or clarification sought on matters which are relevant to the site inspection, the Chair will bring the site visit to a close.

11.2.5 When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to committee so that all members have the same information.

11.3 Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless you feel it is essential for you to visit the site other than through attending the official site visit and you have first spoken to the Head of Planning and Regeneration about your intention to do so and why (which will be recorded on file) and you can ensure you will comply with these good practice rules on site visits.

12. **REPRESENTATIONS ON PLANNING APPLICATIONS**

- 12.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members will be given the opportunity to inspect all letters received before the decision on the application is made.
- 12.2 There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will apply:
- 12.2.1 The applicant will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. Both the applicant and the objectors will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the decision is to be made. They must register to speak at the meeting by 12.00 noon on the last working day prior to the meeting and if they fail to do so they will not be allowed to speak unless the Chair exercises his discretion to permit them to do so. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 20 copies have been delivered to the Council by 12.00 noon on the last working day prior to the meeting. Speakers can also use the Council's IT system to make electronic submissions to the Committee provided that the submission is delivered to the Council by 12.00 noon at the latest on the last working day prior to the meeting.
- 12.2.2 Each group of speakers (objectors and supporters) will be allowed a maximum of five minutes to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.
- 12.2.3 At the meeting the Head of Planning and Regeneration will present his/her report first.
- 12.2.4 The objectors will make their representations, subject to a time limit of 5 minutes (except at the discretion of the Chair), and may be asked questions by the Committee.
- 12.2.5 The applicant will then make his or her representations, subject to a time limit of 5 minutes (except at the discretion of the Chair), and may be asked questions by the Committee.
- 12.2.6 Where the Chair exercises their discretion to extend the time limit for either the objectors or the applicant, then similar provision shall be made for the other parties (should they so wish) to ensure that all parties receive a fair hearing.
- 12.2.7 Officers may comment on the representations and the merits of the application
- 12.2.8 The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.

13. **REVIEW OF DECISIONS**

- 13.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 13.2 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 13.3 Attendance at the review site visits shall be restricted to members of the committee and the local Member.

14. **TRAINING**

- 14.1 Members should not participate in decision-making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.
- 14.2 Members should endeavour to attend any other specialised training sessions provided since these will be designed to extend Members' knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

5.5: LICENSING CODE OF CONDUCT

Rule Subject

- 1 : Introduction**
- 2 : Relationship with the Members' Code of Conduct**
- 3 : Legal Background**
- 4 : Training of Councillors**
- 5 : Licensing Applications by Councillors, Officers and the Council**
- 6 : Lobbying**
- 7 : Discussions Before the Hearing**
- 8 : Declaration of Disclosable Non-Pecuniary and Pecuniary Interests**
- 9 : Pre-determination and Bias**
- 10 : Membership of a Parish/Town Council**
- 11 : Conduct at the Hearing**
- 12 : Councillors as Interested Parties under Licensing Act 2003**

1. INTRODUCTION

1.1 This Code of Conduct (the Licensing Code) gives advice to members who:

- **Are members of the Licensing and Regulatory Committee and who sit on Licensing Sub-committee.**
- **Wish to address the Committee or a hearing panel on any licensing issue.**

Are involved outside the Committee on licensing applications or other licensing matters - including informal occasions such as meetings with officers or public and consultative meetings.

- **Are involved in applications for licences under the Licensing Act 2003 and the Gambling Act 2005.**

1.2 Most decisions taken by councillors are administrative in nature. The work of

the Licensing Committee and Sub-committees are different in that its proceedings are quasi judicial and the rules of natural justice apply. This imposes a new and higher set of standards on those councillors who are involved in the decision making process. Failure to abide by these standards may render the Council or individual councillors open to challenge either through the courts or the Audit and Governance Committee.

1.3 This Code provides a set of guidelines for councillors. It is part of the Council's ethical framework and should be read in conjunction with the Members' Code of Conduct and the Protocol on Member/Officer Relations.

1.4 A key aim of the Licensing Code is to ensure that there are no grounds for suggesting that a licensing decision has been biased, partial or is not well founded in any way. Members must make these decisions openly, impartially with sound judgement and for justifiable reasons.

1.5 The Human Rights Act 1998 has implications for the licensing system and has created enhanced requirements for procedural fairness, transparency and accountability in decision making.

1.6 The Licensing Code is intended to minimise the prospect of legal or other challenge to decisions. Non-compliance without good reason could be taken into account in investigations into possible maladministration or may have implications for the standing of councillors and the Council as a whole.

2. RELATIONSHIP WITH THE MEMBERS' CODE OF CONDUCT

2.1 Members must comply with the Members' Code of Conduct and the rules in that Code must be applied before considering the Licensing Code.

2.2 The Licensing Code is not intended to form a part of the adopted Members' Code of Conduct but is a separate document, which is complimentary and supportive of the Members' Code of Conduct and also the source of expanded guidance in the particular area of licensing.

3. LEGAL BACKGROUND

3.1 Human Rights Act

3.1.1 The Human Rights Act 1998, which came into full effect on 2 October

2000, incorporated the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in such a way as to conform with Convention rights. Decisions on licensing issues are actions of a public authority and so must be compatible with Convention rights.

3.1.2 Members of the Sub-committee need to be aware of the rights contained in the Convention when making decisions and in particular:

- **Article 6: Right to a fair trial**

In the determination of a person's civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- **Article 8: Right to respect for family and private life**

Everyone has a right to respect for his or her private life, and his or her home and correspondence.

- **Article 1 of the First Protocol: Protection of property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his or her possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- **Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms in the Convention shall be secured without discrimination on any ground such as

sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

3.1.3 Most Convention rights are not absolute and there are circumstances

when an interference with a person's rights is permitted although any interference with the rights must be proportionate and go no further than is necessary.

3.2 Quasi-Judicial Hearings

3.2.1 A quasi-judicial hearing is one:

**which affects a person's
livelihood which involves
disciplinary action which affects
property.**

3.2.2 These hearings are subject to the rules of natural justice. Properly

applied, the rules of natural justice will ensure that the requirements of the Convention, that a hearing is both "fair" and presided over by an "independent and impartial tribunal", are met.

3.2.3 There are two principles underlying the rules of natural justice. First,

all parties must be given a chance to put their case under conditions which do not put one party at a substantial disadvantage to the other party. All parties should be given sufficient notice of the hearing, the applicant should have disclosure of the nature of the objections/representations as well as knowing who is objecting/making a representation and there should be a right to question witnesses.

3.2.4 Second, a person who has an interest in an application must be

disqualified from considering it. The Licensing Sub-committee must be impartial - not only must there be no actual bias but there must be no perception of bias.

3.2.5 The procedure rules which govern hearings of the Licensing Sub-

committee reflect the requirements of the Human Rights Act and the rules of natural justice. To avoid any allegations of bias or perceived bias, councillors sitting on the Licensing Sub-committee must strictly observe those procedure rules.

4. TRAINING OF COUNCILLORS

- 4.1** Because the technical and propriety issues associated with licensing are not straightforward, it is the Council's policy to arrange training on the work of the Licensing Sub-committee for all councillors who sit on the Sub-committee. Councillors must undertake the training before participating in a meeting of the Sub-committee. Other councillors are free to attend the training in order to gain an understanding of licensing issues.

5. LICENSING APPLICATIONS BY COUNCILLORS, OFFICERS AND THE COUNCIL

- 5.1** Proposals to the Council by serving and former councillors and officers and their close friends and relatives can easily give rise to suspicions of impropriety. So can proposals for a Council's own applications.
- 5.2** It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism.
- 5.3** Recent decisions by the Adjudication Panel on standards issues make it very difficult for members who have a professional qualification to act in presenting cases in that capacity for applicants or to act as professional witnesses in hearings.
- 5.4** Councillors and officers who submit their own proposal should notify the Monitoring Officer of the proposal and play no part in its processing or determination and avoid contact, whether direct or indirect with members of the Sub-committee concerning the application.

6. LOBBYING

- 6.1** Councillors may be approached or lobbied by an applicant, councillor, agent or objector about a particular licensing application. Lobbying is a normal and perfectly proper part of the political process but it does not sit well with the quasi judicial nature of the Licensing Sub-committee when a councillor must enter the meeting with an open mind and make an impartial determination on the relative merits of all the evidence presented at the hearing. Being lobbied in advance of the meeting is incompatible with this high standard.
- 6.2** If a member is approached, he or she should advise the lobbyist to address any comments or concerns to the Head of Law and Governance. In no circumstances should a councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would

be unfair and Disclosable pecuniary. A councillor who feels that he or she has been exposed to undue or persistent lobbying should advise the Monitoring Officer.

6.3 Other councillors should not lobby members of the Licensing Sub-committee, directly or indirectly, about issues which are due to be determined by the Licensing Sub-committee.

6.4 When attending a public meeting at which a licensing issue is raised, a member of the Licensing Sub-committee should take great care to maintain an impartial role and not express a conclusive view on any pre-application proposals or submitted application.

6.5 Correspondence received by any member of the Council (whether on the Licensing Sub-committee or not), should be passed without delay to the Chief Executive so that all relevant views can be made available to those councillors or officers responsible for determining the application. A reply by a councillor should, as a rule, simply note the contents of the correspondence and advise that it has been passed to officers.

7. DISCUSSIONS BEFORE THE HEARING

7.1 Pre-application discussions - discussion between a potential applicant and representatives of the Council may be of considerable benefit to both parties. Similarly, a meeting between the Council and potential objectors may also be beneficial. However, it would be easy for such discussions to become or be seen (especially by objectors/persons making representations) to become part of a lobbying process. In the circumstances, pre-application discussions should be avoided by members of the Licensing Sub-committee.

7.2 Post-application discussions - a councillor should not approach an applicant for a licence in an effort to securing changes to the application. Such an approach would inevitably give rise to allegations of partiality or bias.

7.3 Generally, any contact with applicants should be conducted with and through officers and should always be reported to the Licensing Sub-committee. Requests to a councillor for a meeting should be passed to the Chief Executive.

8. DECLARATION OF DISCLOSABLE NON-PECUNIARY AND PECUNIARY INTERESTS

8.1 The Code of Conduct for Members and the Council's Member/Officer Protocol gives advice on the declaration of interests.

8.2 Where interests arise, the member must declare these in accordance with this Code of Conduct.

8.3 It is important that all councillors are familiar with the Code of Conduct for Members. Where in relation to any item any councillor has a Disclosable Interest in an application (as defined in the Code), this must be declared at

the earliest opportunity in the declaration of interests section of the agenda, or at any time subsequently, or as soon as practicable when the interest becomes apparent. This is important as the quorum of a Licensing Subcommittee is its full compliment of 3 members and a late declaration of a Disclosable pecuniary interest may leave the meeting inquorate and unable to proceed.

8.4 Where a member is in any doubt about whether they have an interest, they may always seek the advice of the Council's Monitoring Officer or legal advisor at the meeting, disclosing all material facts. Whenever possible, advice should be taken before meetings. Ultimately however, the duty to declare and the decision as to whether an interest should be disclosed rests with the elected member concerned.

9. PRE-DETERMINATION AND BIAS

9.1The right to a fair and unbiased hearing (particularly in the light of the Human Rights Act 1998) is a general legal requirement and applies to licensing decision making in addition to the Code of Conduct for Members.

9.2Whilst the Localism Act 2011 provides for councillors to take a more proactive stance in relation to local issues, councillors must attend Sub-committee meetings with an open mind and only determine applications on the basis of the evidence and representations made to them at the hearing. If a councillor fails to determine an application on this basis it may amount to bias and to a breach of their obligations under the Code of Conduct.

9.3 The suggestion of any bias may put the Council at risk of a finding of maladministration and it could also lead to legal proceedings for bias or a failure to take into account all factors enabling the proposal to be considered on its merits.

9.4 There is a general acceptance that a member may consider matters in several capacities as different factors may apply to different decisions. However, given the size of Licensing Sub-committee and the proportionately greater influence an individual member will have, members should exercise caution in such situations, as it may preclude them from taking part in a licensing hearing.

11. CONDUCT AT THE HEARING

11.1 The essence of the rules of natural justice are that councillors not only act fairly but are also seen to act fairly. Councillors must follow the agreed procedure at all times and should only ask questions at the appropriate points in the procedure. At no time should a councillor express a view which could be seen as pre-judging the outcome. During the course of the hearing councillors should not discuss (or appear to discuss) aspects of the case with the applicant, an objector, their respective advisors or any member of the public nor should they accept letters or documents from anyone other than the clerk.

11.2 Again, to ensure compliance with the rules of natural justice, councillors on the Sub-committee must ensure that they hear the evidence and arguments for and against the application and must be present for the entire hearing.

12. COUNCILLORS AS INTERESTED PARTIES UNDER THE LICENSING ACT 2003

12.1 Since January 2010 Councillors are regarded as interested parties in their own right. They are entitled to make representations or call for reviews in respect of any premises in any Ward licensed within the Councils area.

12.2 They do not have to await instructions from residents or other organisations, but can act on their own initiative. The representation must be relevant. That is, it is made within the timescales allowed, relates to one or more of the Licensing Objectives and is not malicious or vexatious.

12.3 A Councillor can still represent another interested party/parties (provided that interested party is not a family member or close associate) who has made a representation. The Councillor will still be subject to the Code of Conduct when representing interested parties. The Councillor must demonstrate to the licensing authority that they have been requested to represent the interested party and only put forward the views of the interested party.

12.4 A member of the Licensing Committee can make representations, call for a review and address the Committee as an interested party, but would not be able to sit as a member of the sub-committee when the application is considered.

- 12.5 The representation made by the Councillor carries no less nor any more weight than the representations made by other interested parties.**
- 12.6 The Act and Hearing regulations govern the procedure and specify the rights for applicants, responsible authorities and interested parties. The Councillor will be bound by these procedure rules.**
- 12.7 Councillors addressing the sub-committee should disclose any interests they may have and their standing at the hearing.**
- 12.8 The Code of Conduct for members states that a Councillor with a Disclosable Pecuniary Interest cannot act as a representor where that interest relates to himself/herself, a member of his/her family or a close associate. A member may, however, act in a private capacity in such circumstances provided that it is made clear to the Committee that the member is exercising his/her private rights.**
- 12.9 A Councillor who is not on the Committee but who is at one of its meetings in his/her professional capacity should sit apart from the Committee or Sub-committee to demonstrate that he/she is not taking part in the discussion or determination unless his/her presence in that capacity would be a breach of the obligations of the Code of Conduct, for example, influencing a decision by presence. If the Councillor is attending in his/her private capacity as a member of the public, this should be made clear to the Committee and his/her rights are the same as those afforded to any member of the public.**
- 12.10 Councillors who are opposed in principle to any category of application or alcoholic liquor, form of entertainment or gambling, either in their own Ward or District wide should not seek nomination to the Committee.**

5.11 PROCEDURE AND RESOLUTION OF DISPUTE/CONFLICT BETWEEN OFFICERS AND MEMBERS

INTRODUCTION

This procedure has been developed as a quick and largely informal way of resolving disputes or conflict between officers and members. This procedure does not preclude the existing rights of the parties to initiate the Council's grievance or disciplinary procedures. It aims to foster mutual respect and courtesy and to develop good working relationships between officers and members. It will be conducted in private and will examine under performance or mistakes in a developmental way without attributing blame.

THE PROCEDURE

Both councillors and officers shall have regard to the existing codes of conduct as setting clear ground rules on behaviour.

This procedure should be seen as additional to rather than as a substitute for the Council's existing grievance or disciplinary procedures. Any party may wish to be accompanied during part or the whole of the process.

In addition it does not preclude the involvement of external agencies in appropriate circumstances.

It will be expected that before the procedure is implemented that the parties to the dispute/conflict will have met to identify in writing specifically what the difference is and to discuss the matter in a meaningful way with a view to resolving the difference (where this is reasonably practical).

In the event that a difference cannot be resolved the Chief Executive shall be informed as soon as possible.

The Chief Executive shall notify the Leader of the Council and the appropriate Head of Service or Team Manager without delay.

The Head of Service or Team Manager shall convene a meeting ideally within 2 days between the two parties to the dispute and him or herself.

Where the dispute is between a Head of Service and a member the meeting shall take place between the two parties together with the Strategic Director of Place/Director of Housing and Customer Services or Chief Executive and the Leader of the Council.

Where there is a conflict between the Chief Executive and a member, the Leader shall be involved.

Any meetings shall encourage a full and frank exchange of views in a professional manner in an endeavour to resolve the conflict.

In the unlikely event of the matter not being resolved as above it will be referred to the Chief Executive and the Leader of the Council to try and break the deadlock. Should the matter remain unresolved it shall be open to the parties to initiate the Council's formal grievance or disciplinary procedures as appropriate.

5.12: MONITORING OFFICER PROTOCOL

Rule Subject

- 1: General Introduction to Statutory Responsibilities and Functions**
- 2: Working Arrangements**
- 3: Monitoring Officer's Rights**
- 4: Proper Officer**
- 5: Conflicts of Interest**
- 6: Insurance and Indemnity Arrangements**
- 7: Breach of This Protocol**
- 8: Post of Monitoring Officer**

5.8 MONITORING OFFICER PROTOCOL

1. GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES AND FUNCTIONS

1.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989 (LGHA 1989) and is accountable to the Council. That Act, the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 place personal obligations on the appointee in respect of the Council, which are summarised as a schedule annexed to this document.

1.2 This protocol provides some general information on how those statutory requirements will be discharged at this Council.

1.3 The duties of the Monitoring Officer under Section 5 of the LGHA 1989 are to report to the Authority on any proposal, decision or omission by the Authority (or a Committee or Sub-committee, or a Joint Committee on which the Authority is represented) or an officer of the Authority, which has given rise to, or is likely or would give rise to:

- (a) a contravention of law or any code of practice made or approved by or under any enactment; or**
- (b) such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974, i.e. in connection with action taken by or on behalf of the Authority, in exercise of the Authority's administrative functions.**

It is the Monitoring Officer's duty to consult with both the Head of Paid Service and the Section 151 Officer during the preparation of a report and as soon as practicable after its preparation to arrange for a copy of it to be sent to each member of the Authority. The Monitoring Officer is bound to perform all of his or her duties personally, save that during absence or illness, a deputy nominated by him or her may undertake them.

1.4 Where there are town and parish councils within unitary and district authorities, other obligations are placed upon the Monitoring Officer. The protocol does not focus on these aspects.

1.5 In general terms, the Monitoring Officer's ability to discharge his or her duties and responsibilities will depend, to a large extent, on members and officers:

- complying with the law (including any relevant Codes of Conduct);**

- **complying with any general guidance issued, from time to time, by the Audit and Governance Committee and the Monitoring Officer;**

- making lawful and proportionate decisions; and
- generally, not taking action that would bring the Council, their Officers or professions into disrepute.

2. WORKING ARRANGEMENTS

2.1 Having excellent working relations with members and officers will assist in the

discharge of the statutory responsibilities of the Monitoring Officer and maintaining high standards of conduct, governance and legal compliance. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

2.2 Having effective working liaison and relationships with the Audit and

Governance Committee (and its members), the External Auditor and the Local Government Ombudsman will also assist in the discharge of those statutory responsibilities. This will include having the authority to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary.

3. MONITORING OFFICER'S RIGHTS

3.1 The following arrangements and understandings between the Monitoring

Officer, members and officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will have the right to:

- be advised by members and officers of any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, policy, procedural or other constitutional issues that are likely to (or do) arise;**
- access to any meetings of officers or members (or both) of the Authority, whether or not such meetings include any other persons (for the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council);**
- receive advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a decision of the Council may be made formulated or briefed upon (including a failure to take a decision where one should have been taken) at or before the Council, committee meetings and/or Corporate Leadership Team (or equivalent arrangements);**

(d) require when carrying out any investigation(s):

- (I) **such advice and assistance from the Authority that he or she considers is reasonably needed to assist him or her,**
 - (ii) **unqualified access to any officer or member who the Monitoring Officer wishes to make inquiries of or who he or she believes can assist in the discharge of his/her functions, and**
 - (iii) **any information and documents held by the Council;**
- (e) **disclose information and documents to the appropriate and relevant authority (even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the Authority);**
- (f) **ensure or facilitate that the other statutory officers (Head of Paid Service and Section 151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, procedural or other constitutional issues that are likely to (or do) arise;**
- (g) **meet with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, procedural or other constitutional issues that are likely to (or do) arise;**
- (h) **report on ethical governance issues and on the Constitution following consultation, where appropriate, with the Head of Paid Service and Section 151 Officer;**
- (i) **report to the Council as necessary on the staff accommodation and resources he/she requires to discharge his/her statutory functions and to be provided with the same;**
- (j) **obtain legal advice on any matter which he/she believes may be a reportable incident, at the Authority's expense;**
- (k) **defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved, subject to any necessary consultation with all or any of Head of Paid Service, Section 151 Officer, the Chairman of the Council, Leader, Deputy Leader and the Audit and Governance Committee;**
- (I) **notify (after consultation with the Head of Paid Service and the Section 151 Officer) the police, the Authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;**
- (m) **seek to resolve potential reportable incidents by avoiding or rectifying the**

illegality, failure of process or breach of code, or by identifying alternative and

legitimate methods to proceed whilst retaining the right to make a statutory report where, after consultation with the Head of Paid Service and the Section 151 Officer, he/she is of the opinion that such is necessary in order to respond properly to such an incident;

- (n) prepare any training programme for members or officers on ethical standards and Code of Conduct issues.
- (o) To make reports to and receive reports from the Audit and Governance Committee, subject (where appropriate) to consultation with the Head of Paid Service and the Section 151 Officer.

4. PROPER OFFICER

4.1 Councils may place "Proper Officer" and other obligations on the Monitoring

Officer, through the Council's Constitution and elsewhere, but these are delegated functions of the Authority rather than personal duties under statute. Whilst the exercise of these functions equally require good working arrangements, they differ slightly from authority to authority. For the sake of commonality and clarity of the protocol, they are not directly addressed here.

4.2 The Proper Officer list is contained at Part 3, Section 8 of the Council's Constitution.

5. CONFLICTS OF INTEREST

5.1 Where the Monitoring Officer is aware he/she has a potential conflict of interest he/she shall refer the matter to the Deputy Monitoring Officer or another appropriate party (and report to the Head of Paid Service and/or the Authority as appropriate).

6. INSURANCE AND INDEMNITY ARRANGEMENTS

6.1 The Section 151 Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

7. BREACH OF THIS PROTOCOL

7.1 Complaints against any breach of this protocol by a member may be:

- dealt with informally by the Monitoring Officer or
- referred to the Audit and Governance Committee as appropriate by the Monitoring Officer (or if the Monitoring Officer so requests, referred to the Head of Paid Service) or

- **referred to the relevant Leader and/or whip of the political group.**

7.2 Complaints against any breach of this protocol by an officer may be referred to the Head of Paid Service for assessment.

8. POST OF MONITORING OFFICER

8.1 For the purposes of this protocol, the term "Monitoring Officer" includes:

- **any person nominated by the Monitoring Officer as a Deputy Monitoring Officer for the purposes of Section 5(7) of the Local Government and Housing Act 1989; and**
- **any person nominated under the provisions of Section 82A(2) or (3) of that Local Government Act 2000 to perform any function.**

SCHEDULE

SUMMARY OF MONITORING OFFICER FUNCTIONS

	Description	Source
1.	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
2.	Report of any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3.	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4.	Report on resources.	Section 5 Local Government and Housing Act 1989.
5.	Investigate allegations of misconduct of councillors under the Authority's Code of Conduct in compliance with the Council's	Localism Act 2011 Section 28 and associated regulations and guidance.
6.	Establish and maintain registers of members' interests and gifts and hospitality.	Section 29 of the Localism Act 2011 and Code of Conduct for Members.
7.	Advice to members on interpretation of Code of Conduct.	Code of Conduct for Members.

	Description	Source
8.	Key role in promoting and maintaining high standards of conduct through support to the Audit and Governance Committee.	New Council Constitutions Guidance paragraph 8.20.
9.	Advising on appropriateness of compensation for maladministration.	Section 92 Local Government Act 2000.
10.	Advice on vires issues, maladministration, financial impropriety, probity and policy	New Council Constitutions Guidance paragraph 8.21.
11.	Refer relevant matters to the Audit and Governance Committee (or its Sub-committees) for initial	Council's adopted arrangements under Section 28 of Localism Act 2011.
12.	Advise on any indemnities and insurance issues for	Regulations under Local Government Act 2000.
13.	Advise on the introduction of Local Assessment arrangements.	Local Government and Public Involvement in Health Act 2007 (including amendments to the Local Government Act 2000).
14.	Act as the qualified person.	S36 Freedom of Information Act 2000 and Information Commissioner's Office Awareness

The officer holding the designation Monitoring Officer also holds certain Proper Officer appointments as detailed in the Constitution.

PART 6

MEMBERS' ALLOWANCE SCHEME

OADBY AND WIGSTON BOROUGH COUNCIL SCHEME OF MEMBERS' ALLOWANCES – 2018/19

Oadby and Wigston Borough Council, in exercise of the powers conferred by the Local Authorities' (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

1. This scheme may be cited as the Oadby and Wigston Borough Council Members' Allowances Scheme and shall have effect for the period from 10 May 2018 to 9 May 2019.
2. In this Scheme,
"Councillor" means a member of the Oadby and Wigston Borough Council who is a Councillor
"Year" means the period ending with 9 May 2019.

Basic Allowance

3. Subject to paragraph 6, a Basic Allowance of **£4,750** shall be paid to each Councillor.

The Basic Allowance is intended to recognise the time devoted by Councillors to their work, including their community representative role, and to cover some incidental expenses incurred by them.

Special Responsibility Allowances

4. (1) A Special Responsibility Allowance shall be paid to those Councillors (in addition to the Basic Allowance) who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme.
- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- (3) That Councillors be permitted to claim no more than two Special Responsibility Allowances. Where it appears to a Councillor that this policy has brought about an inequitable situation, that person may appeal to have the matter reviewed, to the independent Adjudication Panel (see paragraph 6 (7) post).
- (4) The Chief Executive, in consultation with the Leader of the Council and having regard to the guidance provided at Schedule 3 below, be authorised to approve the attendance of Councillors at appropriate events where they would be representing the Council and to make payment of special responsibility attendance allowance and any other relevant travel and subsistence expenses covered by the Scheme for the relevant period of absence from home, providing that authority for attendance is given by the Chief Executive in advance of the event taking place.

Claiming of Allowances

- 5.** A Councillor may by notice in writing given to the Head of Law & Governance decline to claim any part of his or her entitlement to an allowance under this Scheme.

Part-Year Entitlements

- 6. (1)** The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances to a Special Responsibility Allowance where, in the course of the year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.
- (2)** If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance to a Special Responsibility Allowance, then in relation to each of the periods
 - (a)** beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b)** beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
- (3)** Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment to such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- (4)** Where this Scheme is amended as mentioned in sub-paragraph (2) above, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a) above, the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days which his or her term of office as a Councillor subsists bears to the number of days in that period.
- (5)** Where a Councillor has during part of, but not throughout, a year special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to the payment of

such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.

- (6)** Where this Scheme is amended as mentioned in sub-paragraph (2) above, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's or Independent Person's entitlement shall be to the payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- (7)** A meeting of an Adjudication Panel comprising the Chief Executive, a member of the Independent Remuneration Panel and a senior Councillor, be called to consider and decide upon any issue of uncertainty or ambiguity that might arise in interpretation of the Scheme.

Travelling and Subsistence Allowances

- 7.** Councillors may claim Travelling and Subsistence Allowances in respect of the following categories of meetings, subject to them being held outside the Borough, at the rates prescribed in Schedule 2 to this Scheme.
 - Conferences and meetings where attendance is authorised by the Council, a Committee or by the Chief Executive
 - Outside Bodies to which the Councillor has been appointed by the Council, a Committee or by the Chief Executive

Note: Councillors may not claim Travelling and Subsistence Allowances in respect of any meetings held inside the Borough. Allowance for such expenses is reflected in the basic allowance.

Childcare and Dependant Carers' Allowance

- 8.** Childcare and Dependent Carers' Allowances be paid for the actual receipted cost incurred to a Councillor, providing this does not exceed £10 per hour. The Allowances to cover attendance at any meeting of the Council for which the Councillor is a member or for attendance at any meeting of an outside body for which the Councillor is attending that meeting as a representative of the Council.

Claims

- 10.** Claims for the payment of Travelling and Subsistence Allowances under this Scheme must be made on the official forms provided within two months of the date on which the meeting took place.

These forms are available from the Chief Executive's Office.

Payments

- 11.** Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to paragraph 6(2), in installments of one-twelfth of the amount specified in this Scheme direct into Councillor's bank/building society account on the 25th day of each month or as close thereto as is possible.
- 12.** Where a payment of one-twelfth of the amount specified in this scheme in respect of basic allowance or a special responsibility allowance would result in a Councillor receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Suspension

- 13.** All allowances will be withheld from any Councillor who has been suspended and any allowance paid must be reimbursed with the exception of any payment in arrear in respect of entitlement prior to the time of suspension.

Updating

- 14.** This Scheme shall be updated on 10 May 2018 in line with the level of the Retail Price Index in any year when there is no independent review.

Schedule 1

Special Responsibility Allowances

A Special Responsibility Allowance at the amount specified below shall be paid per annum to those Councillors who have the special responsibilities in relation to the Council as specified below:-

	SRA (£)
Leader of the Council	10,000
Deputy Leader of the Council * halved where shared	2,500*
Leader of the Opposition Group # pro rata based on the total membership of groups where applicable	2,500#
Chairman of Policy, Finance & Development, Service Delivery, Development Control	3,500
Vice Chairman of Policy, Finance & Development, Service Delivery, Development Control	1,150
Chairman of Council (Mayor)	3,500
Vice Chairman of Council (Deputy Mayor)	1,000
Chairman of Licensing & Regulatory Committee	2,500
Vice Chairman of Licensing & Regulatory Committee	1,000
Generic Task Group Chairman Allowance (pro rata if the Group disbands)	1,000
Change Management Committee Chairman	1,000
Community Engagement Forum Chairman	1,000
Children and Young Peoples' Forum Chairman	1,000
Community Safety Partnership Chairman (where it is a Member of the Council)	1,000
Place Shaping Working Group Chairman	1,000
Health and Wellbeing Board Chairman	1,000
Residents' Forum Chairman(s)	1,000
Members Standards Complaints – Adjudication Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Member of Licensing Panel (up to 4 hours*, over 4 hours** per attendance)	30* or 60**
Member of Internal Interview Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Representative on Outside Body (up to 4 hours*, over 4 hours** per attendance)	30* or 60**

NOTE: Where daily rates are paid, time to be calculated from time when leaving home to time when returned to home.

Schedule 2

Travelling and Subsistence Allowances

A. Travelling

1. Motor Car – 52.2p per mile regardless of engine size *
Motor Car Passengers - 3.0p per mile for the first passenger and 2.0p per mile for the second and subsequent passengers up to 4 (to whom a travelling allowance would otherwise be payable)
2. Motor Cycle - 26p per mile
3. Bicycle - 10p per mile
4. Toll, ferry and parking fees (including overnight garaging) - actual cost on production of a receipt
5. Taxis - actual fare (plus reasonable gratuity) either in case of urgency or where no public transport is reasonably available
6. Public Transport - second class or any available cheap day fare unless there are exceptional circumstances approved by the Chief Financial Officer for first class fare.

*Mileage rate for Council officers.

B. Subsistence

1. Absence not involving absence overnight – up to the following limits on production of a receipt

(a) Breakfast (leaving home before 7.30am)	£ 6.50
(b) Lunch (absent between 12 noon and 2pm)	£ 8.00
(c) Tea* (arriving home after 5.30pm)	£ 6.00
(d) Evening Meal* (arriving home after 8.30pm)	£12.00

*only one of these may be claimed

2. Absence overnight covering continuous period of 24 hours – reasonable cost of accommodation and meals on production of a receipt
3. Main meals on trains (i.e. breakfast, lunch or dinner) - reasonable cost (inc. VAT) on production of a receipt (in lieu of the subsistence allowance for the appropriate meal period)

Schedule 3

GUIDANCE FOR USE OF DELEGATED POWERS BY CHIEF EXECUTIVE IN RESPECT OF MEMBERS CONFERENCES/SEMINARS/MEETINGS

Introduction

1. Under the Scheme of Delegation, the Chief Executive has been granted delegated authority, in consultation with the Leader of the Council, to approve attendance by Members at conferences, seminars or meetings which have not previously been approved by the Council.
2. In exercising his/her delegation the Chief Executive must have regard to these guidelines.

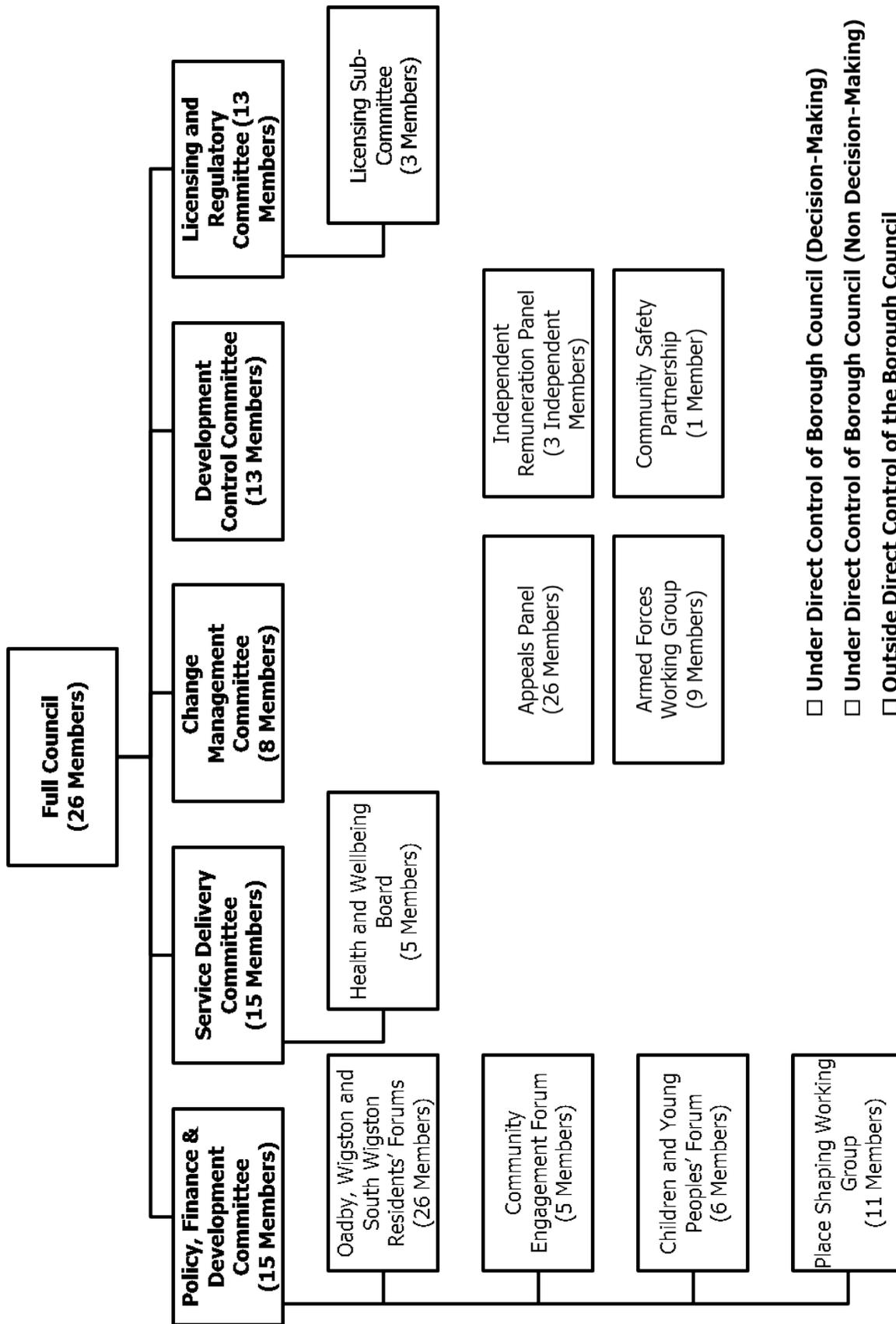
Guidelines

3. The Chief Executive must ensure that there is sufficient budgetary provision taking into account:-
 - a) The financial provision required for the support and development needs of all Members for the financial year in question.
 - b) The cost and quality of the seminar/conference/meeting where applicable.
4. The Chief Executive must ensure that:-
 - a) The meeting/conference/seminar is relevant to the Member's role and responsibilities at the Council, (i.e. by virtue of membership of a Committee, Sub Committee, Task Group, Panel or Outside Body) or, his/her position as Chairman or Vice-Chairman of a Committee, Sub-Committee, Task Group, Panel or Outside Body, OR
 - b) Attendance would be beneficial to the Council or non-attendance would be prejudicial to the Council or its standing in the wider community, OR

The conference/seminar/meeting provides necessary or relevant training or education to the Member in his or her capacity as a Borough Councillor.

PART 7

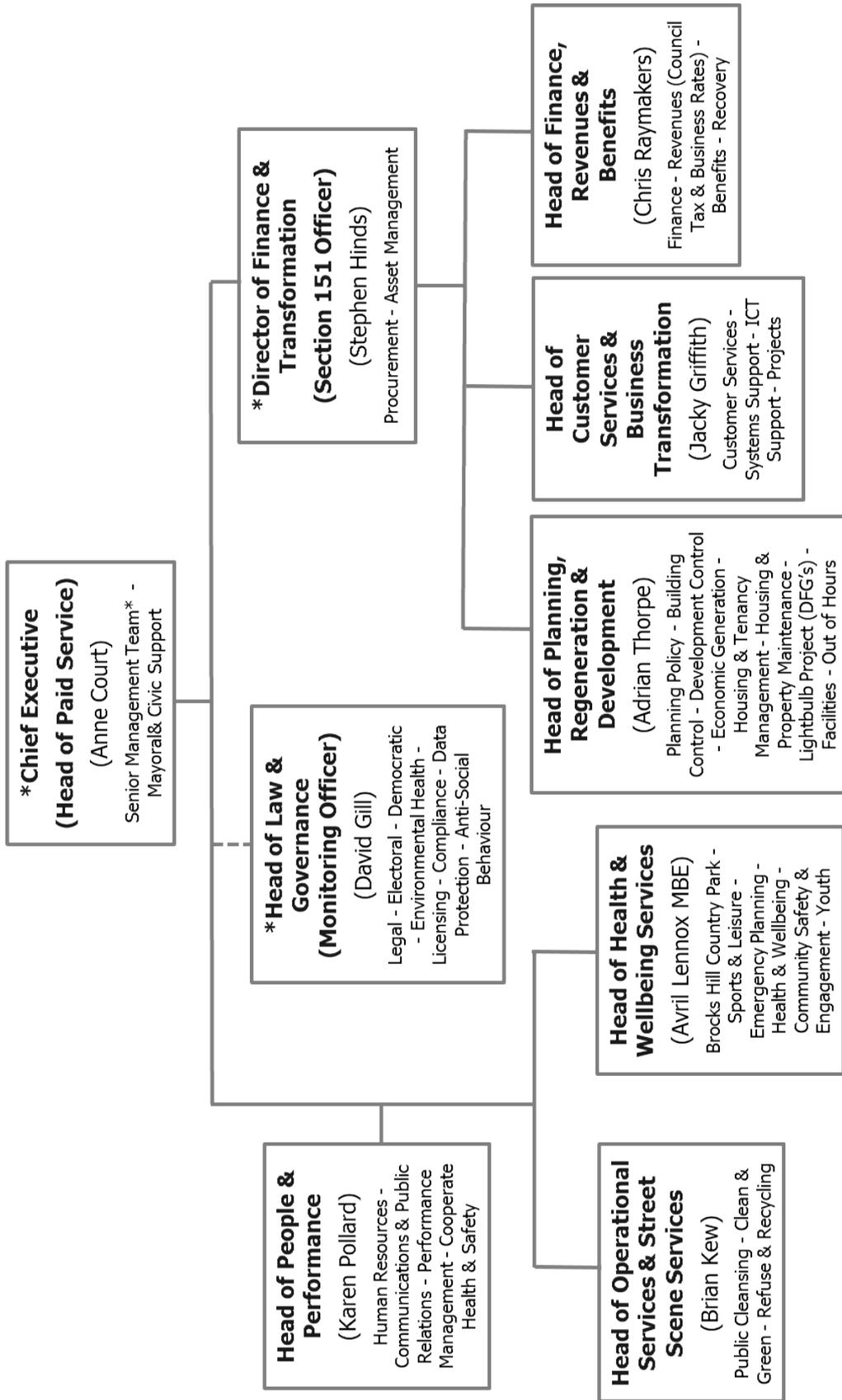
COMMITTEE STRUCTURE



- Under Direct Control of Borough Council (Decision-Making)
- Under Direct Control of Borough Council (Non Decision-Making)
- Outside Direct Control of the Borough Council

PART 8

MANAGEMENT & DEPARTMENTAL STRUCTURE



Appendix 2

The Leader of the Council (Article 2, Para. 2.9.2)

2.9.2. The Leader of the Council

- (i) The Council will appoint a Leader each year at the Annual General Council meeting. The Leader who will provide clear leadership to the community.
- (ii) The Leader may present a regular report or statement to the Council on which questions or comments from other Councillors or members of the public will be taken in accordance with Part 4 of the Constitution.
- (iii) The Leader will hold office until:-
 - (a) He resigns from Office; or
 - (b) He ceases to be a Member in accordance with Article 2.6 above; or
 - (c) He is removed from Office by resolution of the Council or Annual General Meeting of the Council next following his appointment.
- (iv) The Leader is empowered to take all the necessary urgent action where it is required, including the authorisation and incurrence of expenditure, following consultation with the appropriate Statutory Officer(s), in order to promote, protect or defend the reputation of the Council.**

Responsibility for Functions & Bodies (Part 3, Paras. 4-15 & Art. 7)

(i) Committee, Sub-Committees, Panels and Working Groups Appointed by the Council	Number	Quorum
Appeals Panel	3	3
Appointments Committee	5	3
Armed Forces Working Group	9	3
Assessment Sub-Committee	3	3
Change Management Committee	8	3
Constitutional Working Group	5	3
Determination Sub-Committee	3	3
Development Control Committee	13	4
Independent Remuneration Panel	3	3
Investigatory Sub-Committee	3	3
Licensing and Regulatory Committee	13	4
Licensing Sub-Committee	3	3
Place Shaping Working Group	11	4
Policy, Finance and Development Committee	15	5
Service Delivery Committee	14	5
Review Sub-Committee	3	3
Taxi and Private Hire Sub-Committee	3	3

(ii) Outside and Partnership Bodies Directly Facilitated by the Council	Number	Quorum
Oadby Residents' Forum	11	n/a
Wigston Residents' Forum	12	n/a
South Wigston Residents' Forum	3	n/a
Health and Wellbeing Board	5	n/a
Community Engagement Forum	5	n/a
Children and Young Peoples' Forum	5	n/a
Community Safety Partnership	1	n/a
Senior Citizens Forum	1	n/a

Appendix 4

Council Procedure Rules, Quorum (Part 4, Rule 7.1)

7. Quorum

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be ~~one quarter~~ ***one-third*** of the whole number of Members who have the right to vote at that meeting, provided that no business shall be transacted at any meeting if less than three persons entitled to vote are present.

Financial Procedure Rules (Part 4, Paras. 5.2 and 7.3)

5. Supplementary Estimates

(...)

- 5.2 The Chief Financial Officer can approve Supplementary Estimates up to £10,000 **£25,000** in consultation with the Chief Executive, from ~~£10,001~~ **£25,001** but less than ~~£30,000~~ **£50,000** in consultation with the Chair of Policy, Finance and Development Committee. Supplementary Estimates above these levels, either individually or cumulatively, require the approval of Policy, Finance and Development Committee.

7. Transfer of Budgets (Virement)

(...)

7.3 Virement Authorisation Limits

Virement Type	Authorisation Level:				
	Head of Service	<u>Chief Financial Officer</u>	Chief Financial Officer in consultation with Chair of PFD Committee	Policy, Finance and Development Committee	Council
(a) Within a cost centre	In consultation with Service Accountant				
(b) Within a Budget Head	Less than £25,000	<u>£25,000</u> - <u>£49,999</u>	£25,000 - £49,999 <u>£50,000 -</u> <u>£250,000</u>	£50,000 - £250,000 <u>More than</u> <u>£250,000</u> <u>but less than</u> <u>£500,000</u>	More than £250,000 <u>More</u> <u>than</u> <u>£500,000</u>
(c) Between Budget Heads but within a Service	Less than £25,000	<u>£25,000</u> - <u>£49,999</u>	£25,000 - £49,999 <u>£50,000 -</u> <u>£250,000</u>	£50,000 - £250,000 <u>More than</u> <u>£250,000</u> <u>but less than</u> <u>£500,000</u>	More than £250,000 <u>More</u> <u>than</u> <u>£500,000</u>

(d) Between capital projects		<u>Less than £50,000</u>	Less than £50,000 <u>£50,000 - £250,000</u>	£50,000 - £250,000 <u>More than £250,000 but less than £500,000</u>	More than £250,000 <u>More than £500,000</u>
(e) Within Committee's responsibility				Less than £250,000	More than £250,000

Members' Substitute Scheme (Part 4, Para. 4.5)

4. Attendance

(...)

- 4.5 In the case of Committees and Sub-Committees, written notice of the substitution must be received by Democratic Services no later than 5pm ~~before the last clear working day before the meeting~~ **12:00 pm (mid-day) on the day of the meeting** [e.g if a meeting is held on a Thursday, notice must be given by 5pm on Tuesday, thus allowing one clear day between]. In the case of other bodies, e.g working groups, similar notice is helpful but not obligatory. A form is available from Democratic Services for this purpose.
- 4.6 In the event of illness or other circumstances beyond the member's control, he or she may appoint a substitute at short notice at the discretion of the Chair of the relevant Committee. It is the responsibility of the appointing member to seek the Chair's approval in such an instance.

Appendix 7

Council Procedure Rules, No Speeches until Motion Seconded and Application to Committees etc. (Part 4, Rule 16.1 & 25)

(a) Officers' Version

16. Rules of Debate

16.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

(...)

25. Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 7, 13 - 16, 17 - 25 (but not Rule 22.1) apply to meetings of committees and sub-committees.

(b)(i) Members' Version (i.e. exception for Development Control Committee only)

16. Rules of Debate

16.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

(...)

25. Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 7, 13 - 16, 17 - 25 (but not Rule 22.1) apply to meetings of committees and sub-committees, ***with the special exception that Rule 16.1 which will not apply to meetings of the Development Control Committee.***

(b)(ii) Members' Version (i.e. no requirement to move and second from the outset)

16. Rules of Debate

16.1 No speeches until motion seconded

Speeches permitted before motion moved and seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Speeches are permitted before the mover has moved a proposal and explained the purpose of it and before the motion has been seconded and similarly when moving and seconding an amendment accordingly.

(...)

25. Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 7, 13 - 16, 17 - 25 (but not Rule 22.1) apply to meetings of committees and sub-committees.

Appendix 8

Members' Substitute Scheme (Part 4, Para. 3)

(a) Officers' Version

3. Nomination and Appointment

- 3.1 The Council, when establishing appointments to committees and working groups of the Council, will also appoint ***named*** substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.
- 3.2 The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:
- more than 5 seats - 3 substitutes;
 - 2 to 5 seats - 2 substitutes; and
 - 1 seat - 1 substitute.
- 3.3 On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective ***and informed*** decision-making.

(b) Members' Version

3. ~~Nomination and Appointment~~

- 3.1 ~~The Council, when establishing appointments to committees and working groups of the Council, will also appoint named substitutes for elected Members to those bodies on the nomination of the political group leaders.~~ ***Any member may self-appoint a substitute in lieu of that member to attend any meeting of a committee and working group of the Council on an ad-hoc basis.*** The substitute themselves must also be an elected member.
- 3.2 ~~The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:~~
- ~~more than 5 seats - 3 substitutes;~~

- 2 to 5 seats - 2 substitutes; and
- 1 seat - 1 substitute.

3.32 On appointment, it shall be the responsibility of a substitute member ~~to keep up to date with the business of the body~~ **to familiarise themselves with the business due to be transacted at the meeting** to which he or she has been appointed **to attend** to ensure effective **and informed** decision-making.

Agenda Item 11



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Scheme of Members' Allowances (2019/20)**

Report Author(s): **Independent Remuneration Panel (IRP)**

Purpose of Report:	This report asks Council to consider, approve and adopt a Members' Allowance Scheme for 2019/20 ("the Scheme") under the Local Authorities' (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") based on the recommendations of the Independent Remuneration Panel (IRP) with effect from 10 May 2019.
Report Summary:	The IRP is aware that Council is minded not to alter the Scheme until 2020 and therefore recommends the adoption of the attached Scheme for the 2019/20 municipal year (as set out at Appendix 2).
Recommendation(s):	<p>A. That the contents of the report as prepared by the Independent Remuneration Panel (as set out at Appendix 1 to the report) be noted by Council; and</p> <p>B. That the Scheme of Members' Allowances for 2019/20 as recommended by the Independent Remuneration Panel (as set out at Appendix 2 to the report) be considered, approved and adopted with effect from 10 May 2019.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Anne Court (Chief Executive / Head of Paid Service) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk</p> <p>Joanne Smith (PA to the Senior Management Team) (0116) 257 2606 joanne.smith@oadby-wigston.gov.uk</p> <p>Laurie Faulkner (Independent Member) (0116) 257 2775 democratic.services@oadby-wigston.gov.uk</p> <p>David Wood (Independent Member) (0116) 257 2775 democratic.services@oadby-wigston.gov.uk</p> <p>John Whiting (Independent Member) (0116) 257 2775 democratic.services@oadby-wigston.gov.uk</p>
Corporate Objectives:	Not applicable.
Vision and Values:	Accountability (V1)
Report Implications:-	
Legal:	It is essential that the Local Authorities' (Members' Allowances) (England) Regulations 2003 are complied with in their entirety.

Financial:	The Scheme for Members' Allowances for 2019/20 as proposed is within the budget set aside for 2019/20.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Independent Remuneration Panel (IRP)
Background Papers:	None.
Appendices:	1. Report of the Independent Remuneration Panel (April 2019) 2. Proposed Scheme of Members' Allowances (2019/20)

1. Introduction

- 1.1 This report asks Council to consider, approve and adopt a Members' Allowance Scheme for 2019/20 ("the Scheme") under the Local Authorities' (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") based on the recommendations of the Independent Remuneration Panel (IRP) with effect from 10 May 2019.

2. Information

- 2.1 The Council is required to have regard to the IRP's report each year.
- 2.2 The report of the IRP recommending a 2019/20 Scheme is attached at **Appendix 1**.
- 2.3 The proposed 2018/19 Scheme is attached at **Appendix 2**.
- 2.4 The IRP is aware that Council is minded not to alter the Scheme until 2020 and therefore recommends the adoption of the attached Scheme for the 2019/20 municipal year.
- 2.5 The report proposes no changes to the existing 2018/19 Scheme in accordance with the previous recommendations of the IRP and provides details of the work carried out by the IRP over the past year.
- 2.6 In accordance with the 2003 Regulations, once a Scheme for 2019/20 has been adopted, arrangements will be made to comply with all publicity requirements.

Members' Allowances Review
For
Oadby & Wigston Borough Council

Report of the
Independent Remuneration Panel

RECOMMENDATIONS

The Panel makes the following recommendations:

(a) Special Responsibility Allowances (SRA) to be agreed as set out in the following table.

Special Responsibility	SRA (£)
Leader of the Council	10,000
Deputy Leader of the Council * halved where shared	2,500*
Leader of the Opposition Group # pro rata based on the total membership of groups where applicable	2,500#
Chairman of Policy, Finance & Development, Service Delivery, Development Control	3,500
Vice Chairman of Policy, Finance & Development, Service Delivery, Development Control	1,150
Chairman of Council (Mayor)	3,500
Vice Chairman of Council (Deputy Mayor)	1,000
Chairman of Licensing & Regulatory Committee	2,500
Vice Chairman of Licensing & Regulatory Committee	1,000
Generic Task Group Chairman Allowance (pro rata if the Group disbands)	1,000
Change Management Committee Chairman	1,000
Community Engagement Forum Chairman	1,000
Children and Young Peoples' Forum Chairman	1,000
Community Safety Partnership Chairman (where it is a Member of the Council)	1,000
Place Shaping Working Group Chairman	1,000
Health and Wellbeing Board Chairman	1,000
Residents' Forum Chairman(s)	1,000
Members Standards Complaints – Adjudication Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Member of Licensing Panel (up to 4 hours*, over 4 hours** per attendance)	30* or 60**
Member of Internal Interview Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Representative on Outside Body (up to 4 hours*, over 4 hours** per attendance)	30* or 60**

(b) The Members Allowance Scheme included at Appendix A to this report be adopted, to be effective for the period 10 May 2019 until 9 May 2020.

(c) That a Basic Allowance of £4,750 should continue to be paid to each Councillor with effect from 10 May 2019.

(d) That Members should be permitted to claim no more than two Special Responsibility Allowances.

(e) The Council note the results of the Panel's continuing work and benchmarking exercise against comparable local authorities.

INTRODUCTION

The Local Authorities (Members' Allowances) (England) Regulations 2001, requires Local Authorities to establish and maintain an Independent Remuneration Panel (IRP). The Local Authorities (Members' Allowances) (England) Regulations 2003, placed additional responsibilities on the role of the Panel.

The purpose of the Panel is to make recommendations to the Authority about allowances to be paid to Elected Members. The Panel has a duty, each year, to advise the Authority on its scheme and the amounts to be paid. The Council must have regard to this.

Membership of the Panel

The Panel comprises of the following individuals:-

- Mr Laurie Faulkner - Magistrate and retired Head of Business Development at De Montfort University
- Mr David Wood - Self Employed Local Resident
- Mr John Whiting - Local Resident and Retired Tax Inspector

Process of the Review

The Panel has addressed the requirements of the Regulations in drawing up the recommendations for the Council's 2019/20 Scheme.

The 2016 review had sought to rebalance the Scheme to produce a more transparent and simplified structure.

The Panel is aware that the Council is minded not to alter the Scheme until 2020 and therefore recommends the adoption of the attached Scheme for the 2019/20 municipal year.

HISTORY

The scheme for 2016/17 revisited the basic principles that the Panel wished to focus on in 2013 in increasing the Basic Allowance and further streamlined the Special Responsibility Allowances by reducing them from eight bands to four.

2019/20 Scheme – Work since April 2018

The Panel has met on two occasions, 31 October 2018 and 15 January 2019 to consider the scheme and make recommendations to Council.

The Panel notes that in 2016/17 the Council adopted the majority of the Panel's recommendations and the Panel has continued to carry out benchmarking of the current structure against the cluster of other comparable local authorities.

Special Consideration – Leader's Allowance

At the request of the Leader in October 2017, consideration was given to whether, as a result of ongoing employee issues, a special additional payment was warranted for the temporary increase in workload. After hearing evidence of the nature of the work undertaken, the Panel recommended an additional one off payment of £2,000. Full Council subsequently approved authorisation of this payment in July 2018.

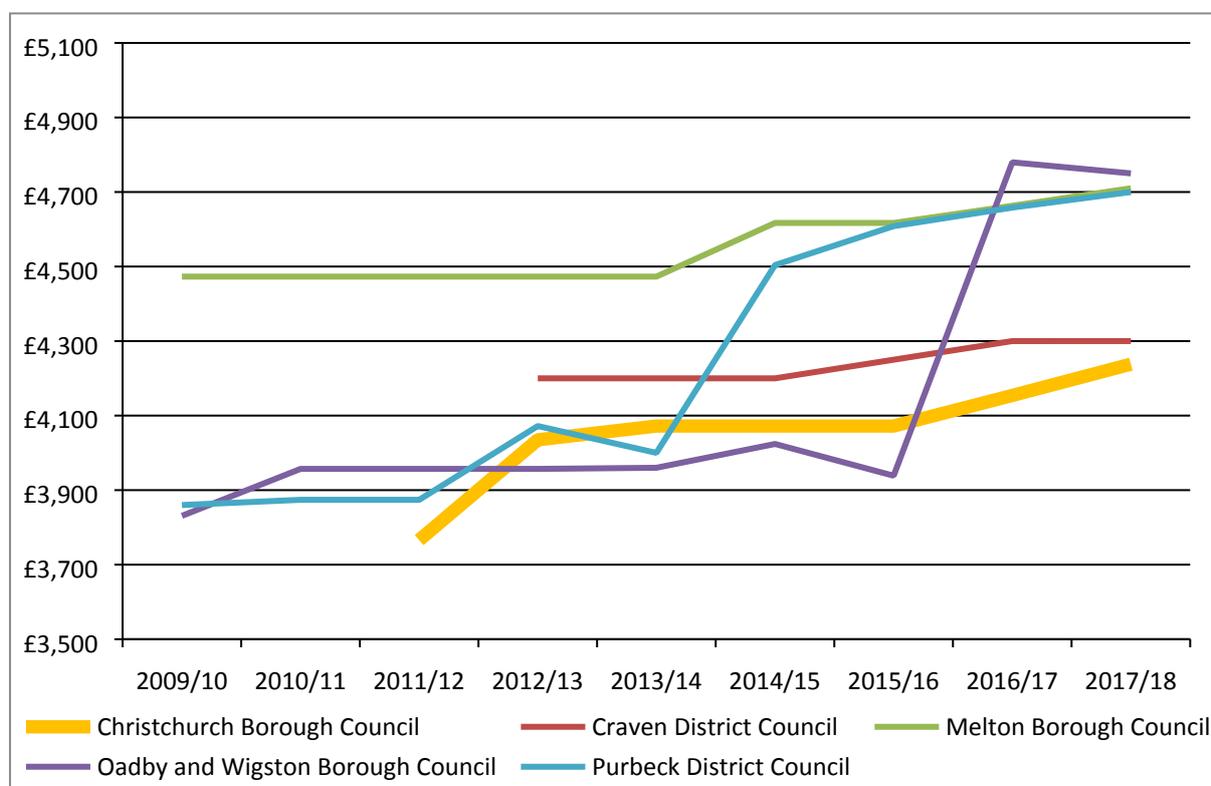
OVERVIEW OF CLUSTER OF SIMILAR AUTHORITIES

In a similar way to last year, data was collected from a cluster of fourth option local authorities which is set out below.

Authority	Population	Number of Councillors	Basic Allowance October 2017
Christchurch Borough Council	48,368	24	£4,072
Craven District Council	55,800	30	£4,300
Melton Borough Council	50,900	28	£4,710
Oadby and Wigston Borough Council	56,170	26	£4,750
Purbeck District Council	46,200	25	£4,700
Averages	51,488	27	£4,506

Analysis of basic allowance payments across the cluster show that Oadby & Wigston Borough Council now pays the highest allowances in the cluster

Chart of Basic Allowances for Similar Authorities



The chart above shows that Oadby & Wigston Borough Council has addressed the long standing issue of the low level of Basic Allowance, and in common with Purbeck District

Council, has chosen to review this on a periodic basis as opposed to applying an annual increase based on the index-linked pay award for staff.

Basic and SRA per Resident for Similar Authorities for 2017/18

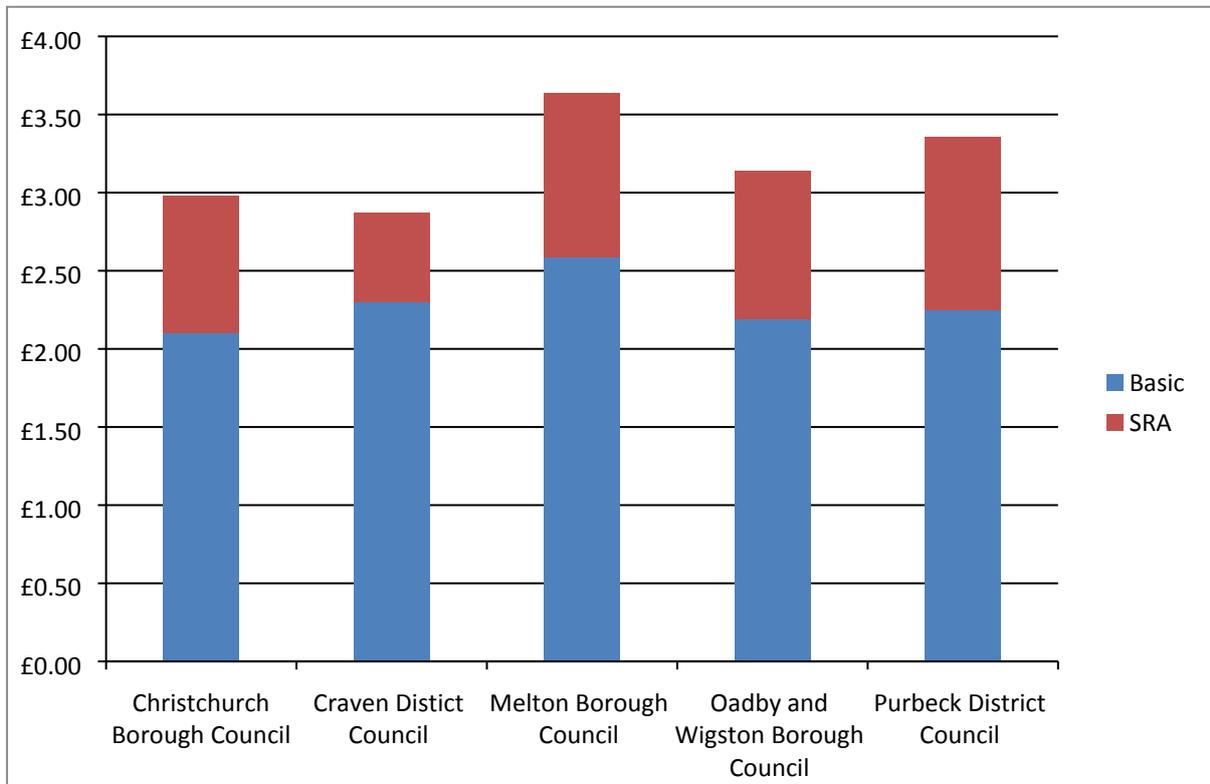
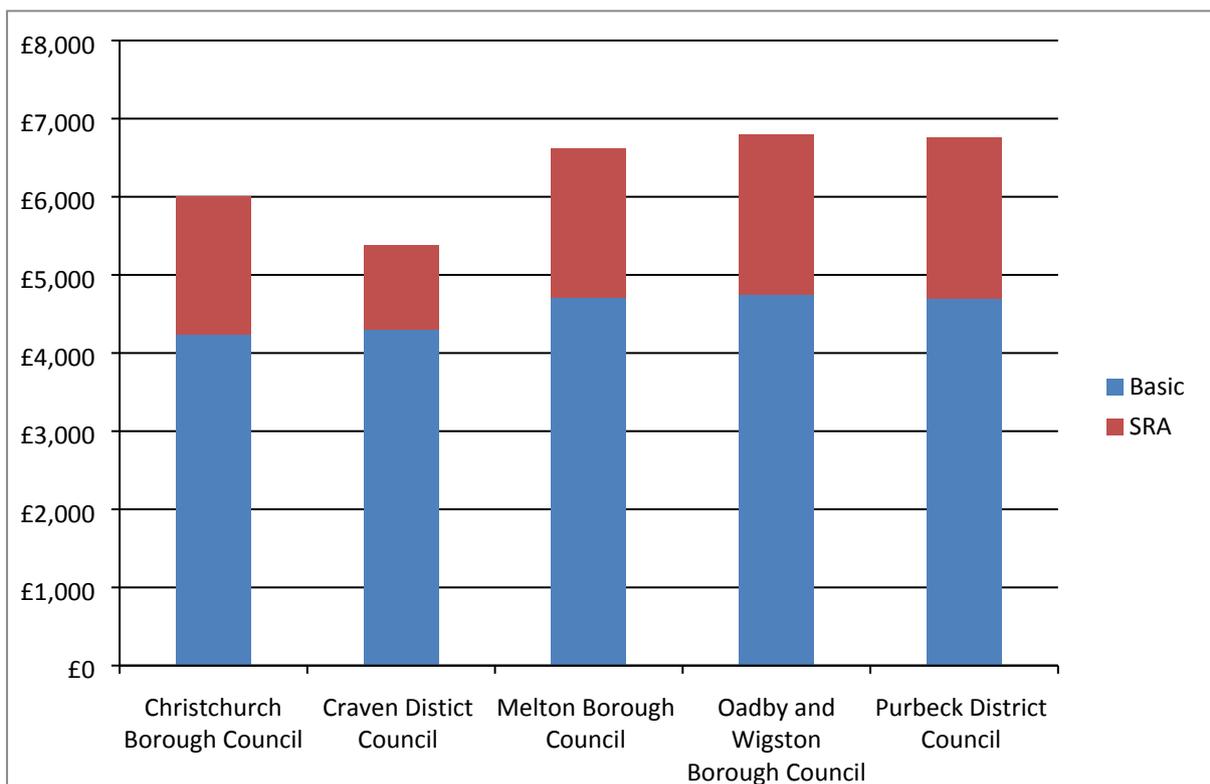


Chart of Basic and SRA per Councillor for Similar Authorities for 2017/18



Future Work Plan

The Panel will continue with its benchmarking exercises however it will need to identify a new cluster of similar authorities as both Purbeck District Council and Christchurch Borough Council will merge into new Unitary Authorities in May 2020. In addition Melton Borough Council is moving to an executive model and this will impact on the balance of basic to special responsibility allowances. and will periodically review the Scheme and make recommendations as necessary.

OADBY AND WIGSTON BOROUGH COUNCIL **SCHEME OF MEMBERS' ALLOWANCES – 2019/20**

Oadby and Wigston Borough Council, in exercise of the powers conferred by the Local Authorities' (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

1. This scheme may be cited as the Oadby and Wigston Borough Council Members' Allowances Scheme and shall have effect for the period from 10 May 2019 to 9 May 2020.
2. In this Scheme,
"Councillor" means a member of the Oadby and Wigston Borough Council who is a Councillor
"Year" means the period ending with 9 May 2020.

Basic Allowance

3. Subject to paragraph 6, a Basic Allowance of **£4,750** shall be paid to each Councillor.

The Basic Allowance is intended to recognise the time devoted by Councillors to their work, including their community representative role, and to cover some incidental expenses incurred by them.

Special Responsibility Allowances

4. (1) A Special Responsibility Allowance shall be paid to those Councillors (in addition to the Basic Allowance) who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme.
- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- (3) That Councillors be permitted to claim no more than two Special Responsibility Allowances. Where it appears to a Councillor that this policy has brought about an inequitable situation, that person may appeal to have the matter reviewed, to the independent Adjudication Panel (see paragraph 6 (7) post).
- (4) The Chief Executive, in consultation with the Leader of the Council and having regard to the guidance provided at Schedule 3 below, be authorised to approve the attendance of Councillors at appropriate events where they would be representing the Council and to make payment of special responsibility attendance allowance and any other relevant travel and subsistence expenses covered by the Scheme for the relevant period of absence from home, providing that authority for attendance is given by the Chief Executive in advance of the event taking place.

Claiming of Allowances

5. A Councillor may by notice in writing given to the Head of Law & Governance decline to claim any part of his or her entitlement to an allowance under this Scheme.

Part-Year Entitlements

6.
 - (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances to a Special Responsibility Allowance where, in the course of the year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.
 - (2) If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance to a Special Responsibility Allowance, then in relation to each of the periods
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
 - (3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment to such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
 - (4) Where this Scheme is amended as mentioned in sub-paragraph (2) above, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a) above, the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days which his or her term of office as a Councillor subsists bears to the number of days in that period.
 - (5) Where a Councillor has during part of, but not throughout, a year special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to the payment of

such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.

- (6) Where this Scheme is amended as mentioned in sub-paragraph (2) above, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's or Independent Person's entitlement shall be to the payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- (7) A meeting of an Adjudication Panel comprising the Chief Executive, a member of the Independent Remuneration Panel and a senior Councillor, be called to consider and decide upon any issue of uncertainty or ambiguity that might arise in interpretation of the Scheme.

Travelling and Subsistence Allowances

7. Councillors may claim Travelling and Subsistence Allowances in respect of the following categories of meetings, subject to them being held outside the Borough, at the rates prescribed in Schedule 2 to this Scheme.
 - Conferences and meetings where attendance is authorised by the Council, a Committee or by the Chief Executive
 - Outside Bodies to which the Councillor has been appointed by the Council, a Committee or by the Chief Executive

Note: Councillors may not claim Travelling and Subsistence Allowances in respect of any meetings held inside the Borough. Allowance for such expenses is reflected in the basic allowance.

Childcare and Dependant Carers' Allowance

8. Childcare and Dependent Carers' Allowances be paid for the actual receipted cost incurred to a Councillor, providing this does not exceed £10 per hour. The Allowances to cover attendance at any meeting of the Council for which the Councillor is a member or for attendance at any meeting of an outside body for which the Councillor is attending that meeting as a representative of the Council.

Claims

9. Claims for the payment of Travelling and Subsistence Allowances under this Scheme must be made on the official forms provided within two months of the date on which the meeting took place.

These forms are available from the Chief Executive's Office.

Payments

- 10.** Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to paragraph 6(2), in installments of one-twelfth of the amount specified in this Scheme direct into Councillor's bank/building society account on the 25th day of each month or as close thereto as is possible.
- 11.** Where a payment of one-twelfth of the amount specified in this scheme in respect of basic allowance or a special responsibility allowance would result in a Councillor receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Suspension

- 12.** All allowances will be withheld from any Councillor who has been suspended and any allowance paid must be reimbursed with the exception of any payment in arrear in respect of entitlement prior to the time of suspension.

Updating

- 13.** This Scheme shall be updated on 10 May 2018 in line with the level of the Retail Price Index in any year when there is no independent review.

PROPOSED

Schedule 1

Special Responsibility Allowances

A Special Responsibility Allowance at the amount specified below shall be paid per annum to those Councillors who have the special responsibilities in relation to the Council as specified below:-

Special Responsibility	SRA (£)
Leader of the Council	10,000
Deputy Leader of the Council * halved where shared	2,500*
Leader of the Opposition Group # pro rata based on the total membership of groups where applicable	2,500#
Chairman of Policy, Finance & Development, Service Delivery, Development Control	3,500
Vice Chairman of Policy, Finance & Development, Service Delivery, Development Control	1,150
Chairman of Council (Mayor)	3,500
Vice Chairman of Council (Deputy Mayor)	1,000
Chairman of Licensing & Regulatory Committee	2,500
Vice Chairman of Licensing & Regulatory Committee	1,000
Generic Task Group Chairman Allowance (pro rata if the Group disbands)	1,000
Change Management Committee Chairman	1,000
Community Engagement Forum Chairman	1,000
Children and Young Peoples' Forum Chairman	1,000
Community Safety Partnership Chairman (where it is a Member of the Council)	1,000
Place Shaping Working Group Chairman	1,000
Health and Wellbeing Board Chairman	1,000
Residents' Forum Chairman(s)	1,000
Members Standards Complaints – Adjudication Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Member of Licensing Panel (up to 4 hours*, over 4 hours** per attendance)	30* or 60**
Member of Internal Interview Panel (up to 4 hours*, over 4 hours** per attendance)	50* or 100**
Representative on Outside Body (up to 4 hours*, over 4 hours** per attendance)	30* or 60**

NOTE: Where daily rates are paid, time to be calculated from time when leaving home to time when returned to home.

Schedule 2

Travelling and Subsistence Allowances

A. Travelling

1. Motor Car – 52.2p per mile regardless of engine size*
2. Motor Car Passengers - 3.0p per mile for the first passenger and 2.0p per mile for the second and subsequent passengers up to 4 (to whom a travelling allowance would otherwise be payable)
3. Motor Cycle - 26p per mile
4. Bicycle - 10p per mile
5. Toll, ferry and parking fees (including overnight garaging) - actual cost on production of a receipt
5. Taxis - actual fare (plus reasonable gratuity) either in case of urgency or where no public transport is reasonably available
6. Public Transport - second class or any available cheap day fare unless there are exceptional circumstances approved by the Chief Financial Officer for first class fare.

*Mileage rate for Council officers.

B. Subsistence

1. Absence not involving absence overnight – up to the following limits on production of a receipt
 - (a) Breakfast (leaving home before 7.30am) £ 6.50
 - (b) Lunch (absent between 12 noon and 2pm) £ 8.00
 - (c) Tea* (arriving home after 5.30pm) £ 6.00
 - (d) Evening Meal* (arriving home after 8.30pm) £12.00

*only one of these may be claimed

2. Absence overnight covering continuous period of 24 hours – reasonable cost of accommodation and meals on production of a receipt
3. Main meals on trains (i.e. breakfast, lunch or dinner) - reasonable cost (inc. VAT) on production of a receipt (in lieu of the subsistence allowance for the appropriate meal period)

Schedule 3

Guidance for Use of Delegated Powers by Chief Executive in Respect of Members Conferences/Seminars/Meetings etc.

Introduction

- 1.** Under the Scheme of Delegation, the Chief Executive has been granted delegated authority, in consultation with the Leader of the Council, to approve attendance by Members at conferences, seminars or meetings which have not previously been approved by the Council.
- 2.** In exercising his/her delegation the Chief Executive must have regard to these guidelines.

Guidelines

- 3.** The Chief Executive must ensure that there is sufficient budgetary provision taking into account:-
 - (a)** The financial provision required for the support and development needs of all Members for the financial year in question.
 - (b)** The cost and quality of the seminar/conference/meeting where applicable.
- 4.** The Chief Executive must ensure that:-
 - (a)** The meeting/conference/seminar is relevant to the Member's role and responsibilities at the Council, (i.e. by virtue of membership of a Committee, Sub Committee, Task Group, Panel or Outside Body) or, his/her position as Chairman or Vice-Chairman of a Committee, Sub-Committee, Task Group, Panel or Outside Body; or
 - (b)** Attendance would be beneficial to the Council or non-attendance would be prejudicial to the Council or its standing in the wider community; or
 - (c)** The conference/seminar/meeting provides necessary or relevant training or education to the Member in his or her capacity as a Borough Councillor.

Agenda Item 12



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Treasury Management Policy and Strategies (2019/20)**

Report Author(s): **Chris Raymakers (Head of Finance, Revenues & Benefits)**

Purpose of Report:	The purpose of this report is to inform Council of current Treasury Management practices carried out by the Council.
Report Summary:	This report contains the revised Treasury Management Policy, the Council's Prudential Indicators, Treasury Strategy and Plan and Investment Strategy for the financial year 2019/20 to 2021/22.
Recommendation(s):	<p>A. That the Treasury Management Policy (as set out in Appendix 1) be approved by Council;</p> <p>B. That the Prudential Indicators for 2019/20 (as set out in Appendix 2) be approved by Council;</p> <p>C. That the Treasury Strategy and Plan 2019/20 (as set out in Appendix 3) be approved by Council;</p> <p>D. That the Investment Strategy 2019/20 to 2021/22 (as set out in Appendix 4) be approved by Council; and</p> <p>E. That the Capital Strategy 2019/20 (as set out in Appendix 5) be approved by Council.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Chris Raymakers (Head of Finance, Revenues & Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	"A Strong Borough Together" (Vision) Accountability (V1) Innovation (V4)
Report Implications:-	
Legal:	Robust Treasury Management practices reduce the risk of any legal challenge to the Council's financial activities.
Financial:	Strong Treasury Management is reduces risk and ensures a good cash flow to support Council services.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.

Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Local Government Act 2003 Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities (2017) Treasury Management in the Public Services (CIPFA): Code of Practice and Cross-Sectoral Guidance Notes (2017) Capital Finance (MHCLG): Guidance on Local Government Investments (2018) Audit Commission: Report on Icelandic Investments (2019) Prudential and Treasury Management Code (CIPFA) (2017)
Appendices:	<ol style="list-style-type: none"> 1. Treasury Management Policy (2019/20) 2. Prudential Indicators (2019/20) 3. Treasury Management Strategies and Plan (2019/20) 4. Investment Strategy (2019/20 to 2021/22) 5. Capital Strategy (2019/20)

1. Information

1.1 The Council defines its Treasury Management activities as:

"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks"

1.2 Part of the Treasury Management operation is to ensure that the cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

1.3 The second main function of the Treasury Management service is the funding of the Council's Capital Programme. The Capital Programme provides a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations.

1.4 This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

2. Treasury Management Policy (2019/20)

2.1 This Policy dictates the Council's overall approach to Treasury Management. It explains the key Treasury Management practices which are undertaken and outlines how the Council

carries these out in furtherance of its corporate goals. This Policy has been revised in line with the publication Treasury Management in the Public Services – Code of Practice and Cross Sectional Guidance Notes as attached at **Appendix 1**.

3. Prudential Indicators (2019/20)

- 3.1 Part 1 of the Local Government Act 2003 and the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities 2017 edition (“the Code”) set out a framework for self-regulation of capital spending, in effect allowing Councils to invest in capital projects without any limit as long as they are affordable, prudent and sustainable. This allows the Council to determine the appropriate level of capital investment to properly deliver quality public services, subject to affordability.
- 3.2 To facilitate the decision-making process and support capital investment decisions, the Prudential Code requires the Council to agree and monitor a number of Prudential Indicators as attached at **Appendix 2**.
- 3.3 These indicators are mandatory and are purely for internal use by the Council. They are not to be used as comparators between authorities. In addition, the indicators should not be taken individually; rather the benefit from monitoring will arise from following the movement in indicators over time and the year-on-year changes.

4. Treasury Strategy and Plan (2019/20)

- 4.1 In accordance with the requirements of CIPFA’s latest Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement, a Treasury Strategy and Plan for 2018/19 has been prepared and attached at **Appendix 3**.
- 4.2 For the purpose of this Strategy, Treasury Management includes the management of all capital market transactions in connection with the cash and funding resources of the Council. This covers all funds and reserves including the collection fund and includes the arrangement of leases.

5. Investments Strategy (2019/20 to 2021/22)

- 5.1 This Strategy which is attached at **Appendix 4** is written in accordance with guidance issued under section 15(1)(a) of the Local Government Act 2003, The Ministry of Housing, Communities and Local Government (MHCLG) Guidance on Local Authority Investments issued in February 2018 (as revised), the Audit Commission’s report on Icelandic investments and the CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes.
- 5.2 The objectives of this Strategy are to:
 - facilitate investment decisions which ensure that the Council’s investment sums remain secure;
 - ensure the liquidity of investments so that the Council has sufficient cash resources available to carry out its functions at all times; and
 - achieve the maximum return on investments after taking into account security and liquidity.

6. Capital Strategy (2019/20)

- 6.1 The CIPFA revised 2017 Prudential and Treasury Management Code require, for 2019-20, all local authorities to prepare an additional report which will provide:

- A high-level long term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- An overview of how the associated risk is managed; and
- The implications for future financial sustainability.

6.2 This will be the Capital Strategy at **Appendix 5**. The aim of this report brings together our existing Medium Term Financial Strategy, Treasury Management Strategy and Capital Programme, whilst also highlighting governance procedures, risk appetites and the impact upon achieving the Council's new Corporate Objectives.

OADBY & WIGSTON BOROUGH COUNCIL



Oadby & Wigston
BOROUGH COUNCIL

Treasury Management Policy

Revised	31/03/2019
Next Revision	31/03/2020
Head Of Finance Approval	

OADBY & WIGSTON BOROUGH COUNCIL

TREASURY MANAGEMENT POLICY

Introduction

The CIPFA code of practice Treasury Management in the Public Services was produced to assist all forms of public bodies with their treasury management strategies. In the publication of this policy the Council formally adopts the CIPFA code of practice as part of its standing orders and financial regulations.

Three Key Elements to the Policy

1. The Definition Of The Treasury Activities Of The Council

Oadby & Wigston Borough Council defines its treasury management activities as “The management of the organisation’s cash flows, its banking, money market and capital market transaction; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

2. The role of Risk Management in the Treasury Policy

Oadby & Wigston Borough Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the Council.

3. Achievement of Business and Service Objectives

Oadby & Wigston Borough Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable, comprehensive performance measurement techniques, with the context of effective risk management.

Treasury Management Practices (TMP)

TMP1 Risk Management

The Section 151 Officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, and will report annually on their adequacy and suitability. They must also report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation’s objectives in relation to a failure in the policy.

In respect of each of the following risks, the arrangements, which seek to ensure compliance with the stated objectives, are set out in the schedule to this document.

1. Liquidity Risk

Oadby & Wigston Borough Council will ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to it which are necessary for the achievement of its operation.

2. Interest Rate and Inflation Risk

The Section 151 Officer, on behalf of the Council, will manage its exposure to fluctuations in interest rates and inflation with a view to containing its interest costs or securing its interest revenues as an integral part of its Treasury Strategy and Plan.

It will achieve these objectives by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of income but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. The above is subject at all times to the considerations and if required, approval of any policy or budgetary implications.

3. Credit and Counterparty Risk

Oadby & Wigston Borough Council regards a prime objective of its treasury management activities to be the security of the principal sums invested. Accordingly, we will ensure that its counterparty list and limits reflect a prudent attitude towards organisations with whom funds may be deposited, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4, and listed in the schedule to this document.

4. Refinancing Risk

Oadby & Wigston Borough Council will ensure that its borrowing, private financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies raised are managed, with a view to obtaining offer terms for renewal or refinancing if required. All arrangements should be competitive and as favourable to the Council as can reasonably be achieved in the light of market conditions prevailing at the time of transaction.

5. Legal and Regulatory Risk

Oadby and Wigston Borough Council will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. It will ensure that there is evidence of counterparties' powers, authority and compliance in respect of transactions they may effect with the Council, particularly with regard to duty of care and fees charged.

6. Fraud, Error and Corruption, and Contingency Management

Oadby and Wigston Borough Council will ensure that it has identified the circumstances, which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to enable risk to be minimised.

7. Market Risk

Oadby and Wigston Borough Council will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

TMP 2 Best Value and Performance Measurement

Oadby and Wigston Borough Council is committed to the pursuit of best value in its treasury management activities. Accordingly, the treasury management activities will be the subject of ongoing analysis of the value it adds in support of the organisations stated objectives.

TMP 3 Decision-making and Analysis

Oadby and Wigston Borough Council will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions. Both for the purpose of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time. The issues, processes and practices taken account of when reaching decision are detailed in the schedule.

TMP 4 Approved Instruments, Methods and Techniques

Oadby and Wigston Borough Council will undertake its treasury management activities by employing only those instruments, methods and techniques detailed in the schedule, and within the limits and parameters defined in TMP1.

TMP 5 Organisation, Clarity and Segregation of Responsibilities and Dealing Arrangements

Oadby and Wigston Borough Council considers it essential, for the purpose of the effective control and monitoring of its treasury management activities, for the reduction of the risk or fraud or error, and for the pursuit of optimum performance; that these activities are structured and managed in a fully integrated manner, and that there is at all times clarity of treasury management responsibilities.

That there is a clear distinction between the Section 151 Officer charged with setting treasury management policies and those officers charged with carrying out those policies.

If and when the organisation intends, as a result of lack of resources or other circumstances, to depart from these principles, the Section 151 Officer will ensure that the reasons are properly reported in accordance with TMP6.

TMP 6 Reporting Requirements and Management Information Arrangements

Oadby and Wigston Borough Council will ensure that yearly reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and transactions executed in pursuit of those policies; on the implications of changes resulting from regulatory, economic, market or other factors.

Council will receive:

- Annual Treasury and Investment Strategies and Plan Report for the coming year.
- An annual Treasury Management Performance Report to include any non-compliance with the Council's Treasury Management Policy and TMPs.

TMP 7 Budgeting, Accounting and Audit Arrangements

Oadby and Wigston Borough Council will account for its treasury management activities in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force.

The Council will ensure that the costs involved in running the treasury management function will pertain to best value.

The Council will ensure its auditors, and those charged with regulatory review have access to all information and papers supporting the activities of the treasury management function as are necessary to fulfil their roles.

TMP 8 Cash and Cash Flow Management

All monies in the hands of Oadby and Wigston Borough Council will be under the control of the Section 151 Officer, and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and the Section 151 Officer will ensure that these are adequate for the purposes of monitoring compliance with TMP1 – Liquidity Risk.

TMP 9 Money Laundering

Oadby and Wigston Borough Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, we maintain procedures for verifying and recording the identity of counterparties and reporting suspicions.

TMP 10 Staff Training and Qualifications

Oadby and Wigston Borough Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. We will therefore seek to ensure that individuals are provided with training as required and/or identified by the EDI process.

TMP 11 Use of External Service Providers

Oadby and Wigston Borough Council recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources. In doing so we will ensure that the cost and benefits are considered. We will also ensure, where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one company. Where services are subject to formal tendering standing orders will be applied.

TMP 12 Corporate Governance

Oadby and Wigston Borough Council is committed to the pursuit of proper corporate governance throughout the authority, and to establishing the principles and practices by which this can be achieved. Accordingly the treasury management function will be undertaken with openness, transparency, honesty, integrity and accountability.

We have adopted and implemented the key recommendations of the Code, and this together with the other arrangements detailed in the schedule are considered vital to the achievement of proper corporate governance in treasury management. The Section 151 Officer will monitor and if and when necessary, report upon the effectiveness of these arrangements.

TREASURY MANAGEMENT PRACTICES - SCHEDULES

This section contains the schedules which set out the details of how the Treasury Management Practices (TMPs) are put into effect by this organisation.

TMP 1 Risk Management

TMP 2 Best Value and Performance Measurement

TMP 3 Decision-making and Analysis

TMP 4 Approved Instruments, Methods and Techniques

TMP 5 Organisation, Clarity and Segregation of Responsibilities, and Dealing Arrangements

TMP 6 Reporting Requirements and Management Information Arrangements

TMP 7 Budgeting, Accounting and Audit Arrangements

TMP 8 Cash and Cash Flow Management

TMP 9 Money Laundering

TMP 10 Staff Training and Qualifications

TMP 12 Corporate Governance

TMP 1 RISK MANAGEMENT

1 Liquidity

It will be the function of the Section 151 Officer to calculate from cash flow forecasts the extent of any surplus cash available for investment. There will be no requirement of the Council to maintain a surplus cash balance in the bank account although such surpluses may occur from time to time. The intention should always be to maintain a nil cleared balance as far as possible.

In the event of the Council having to borrow for short-term cash flow reasons this will be carried out through the money markets, or from the Council's bank if more economic.

2 Interest Rate and Inflation

The rate of interest on new investments will be made taking into account the market conditions and obtaining rates from a number of institutions on the Council's counterparty list.

Surplus cash may be invested with those institutions shown on the Council's counterparty list for a maximum maturity of 364 days.

The level of investments placed with any one institution are approved annually within the Treasury Strategy and Plan Report by Council. This limit may be adjusted by Council during the year if it is found to be prejudicial to the interest rates the Authority can earn on its investments.

The Authority determines annually, within its Treasury Strategy and Plan, the level of total external debt, temporary external borrowing and variable against fixed interest rate exposure.

3 Credit and Counterparty Policies

The Section 151 Officer will be responsible for preparing for the Council a list of institutions in whom the Council's funds may be invested. This list will be supported by details of the criteria employed to assess the various credit standings of counterparties. As a general principle these institutions will have at least F1, F1+ Fitch short term rating or PI Moody's short term rating although, subject to the supporting report of the Section 151 Officer, other non-rated institutions may be included.

The Council will seek to ensure that the maximum amount of market, media and local intelligence is gathered and communicated to the responsible treasury staff to assist them in constantly reviewing sectors and individual institutions on the approved list. The Section 151 Officer may add, delete or amend institutions on the approved list during the year. In any event, the list of counterparties will be reviewed annually by Council.

The Council's current policy is not to appoint external fund managers. Under the present circumstances, the Authority does not have sufficient surplus funds to give either enough scope or sufficient diversity of portfolio to justify such consultancy fees.

4 Refinancing

The maturity pattern of all outstanding debt must be reviewed before any new long term loan is taken and before debt is rescheduled.

Variable and fixed rate funds should be kept under review with the potential of securing discounts.

5 Legal and Regulatory Work

Treasury management activities will be carried out in accordance with rules governing the investment of local authorities funds as set out in the Local Authorities (Capital Finance) (Approved Investments) Regulations 1990, and the Local Authorities (Capital Finance) Regulations 1997, as amended.

In addition activities will be conducted in accordance with the Council's approved Treasury Management Strategy and Plan, and Treasury Management Policy Statement. This includes the adoption of CIPFA's Code of Practice for Treasury Management in the Public Services and CIPFA's Prudential Code for Capital Finance in Local Authorities.

Evidence of officers delegated powers, to borrow and invest, will be provided on request to counterparties as set out in the constitution.

All the banks included in the Council's lending list are authorised under the Banking Act 1987, to accept deposits in the UK.

6 Fraud, Error and Corruption, and Contingency Management

In order to minimise the possibility of fraud, error and corruption the procedures for carrying out and monitoring treasury management activities are subject to audit, as well as various internal controls and reporting to the Council.

Evidence of fraud and corruption should be reported to the Section 151 Officer and Director of Services, in accordance with the Council's Anti Fraud & Corruption Policy, who will then determine the appropriate course of action.

The Chief Executive and Section 151 Officer must include arrangements for the proper and continuous fulfilment of the Treasury Management function in any disaster planning.

The Council's fidelity guarantee insurance provides cover of up to £2.5 million for all employees for losses caused by fraud.

7 Market Risk Management

The value and performance of the Council's investments is regularly monitored and is reported to Members on an annual basis.

In order to manage risk and protect public funds, the following are the only organisations with which investments will be placed.

- Other Local Authorities
- UK Clearing Banks and their subsidiaries
- Government Institutions
- Building Societies
- Money Market Funds
- CCLA Property Funds

In addition each clearing bank or subsidiary will be assessed for its credit standard and rating. The minimum rating that the authority will accept prior to placing a temporary loan are.

- Long Term Investments Fitch Rating A
- Short Term Investments Fitch Rating F1
- Money Market Funds are required to be rated AAA

In addition the Authority will invest with Building Societies with an asset base of at least one billion UK pounds as reviewed annually in the Councils Investment Strategy.

There should be a maximum amount which officers are permitted to invest with any one institution. This amount should be reviewed annually within the Treasury and Investment Strategies and Plan Report to the Council. Deposit accounts held with the Councils own bank are not subject to this limit.

The level of external debt, temporary external borrowing and exposure to variable and fixed rate interest should be set within the Treasury Strategy and Plan Report.

TMP 2 **PERFORMANCE MANAGEMENT**

Banking services are renegotiated or re-tendered normally every 3-5 years to ensure competitive pricing.

The Council uses money broking services in order to make deposits or to borrow. Charges for all services are established prior to using them to ensure that the relevant terms are satisfactory in the light of market conditions.

The following brokers may be used by the Council:

- Martins Brokers
- Tradition Brokers

The quality of service provided by these brokers shall be monitored on a regular basis and reviewed annually.

In order to provide the best possible value in treasury management the Authority may employ financial consultants for specialist advice on the markets and developments in treasury management and accounting.

The following consultants may be used by the Council

- Link Asset Services

The performance of the Council's borrowing activities is monitored by calculating the average interest rate on external borrowing and is compared to the rate for the previous year. This is included in the annual Treasury Management Performance Report.

TMP3 **DECISION MAKING AND ANALYSIS**

In carrying out treasury management responsibilities the Section 151 Officer will meet on a regular basis with the Head of Finance to discuss and agree the implementation of the Treasury Strategy and Plan, monitor performance and make decisions on operational treasury management issues.

Detailed records will be maintained of all borrowing and investments made by the Council. These records are reconciled on a monthly basis to the financial management system.

In respect of borrowing objectives, the Council will:

- minimise the revenue costs of debt
- manage the debt maturity profile to ensure that there is no overexposure to re-borrowing in any one year
- effect borrowing at the cheapest cost commensurate with future risk
- be aware of the future interest rate forecasts and to borrow accordingly
- monitor and review the level of variable interest rate loans in order to take advantage of interest rate movements
- ensure that borrowings accord with statutory requirements

In respect of investment objectives, the Council will:

- maximise the level of return commensurate with maximum protection of the Council's money
- invest in accordance with the approved list of counterparties

- manage the maturity profile to ensure that there is no exposure to reinvestment at any point in the year
- ensure all investments fall within the definitions of Approved Investments

TMP4 APPROVED INSTRUMENTS, METHODS AND TECHNIQUES

1 Treasury Management Procedure Notes

Detailed procedures to be followed when carrying out cash flow monitoring and any borrowing or investment activities will be maintained and updated as requested.

2 Approved Activities of the Treasury Management Operation

- borrowing
- lending
- consideration, approval and use of new financial instruments and treasury management techniques
- managing the underlying risk associated with the Council’s capital financing and surplus fund activities
- managing cash flow
- banking activities
- leasing

3 Approved Instruments for Investments

The Council will only invest surplus funds in accordance with the investments approved under the Local Government (Capital Finance) (Approved Investments) Regulations 1990 and subsequent amendments i.e.

- Institutions authorised under the Banking Act 1987 by the Bank of England
- Building Societies
- Local Authorities
- Other public sector bodies as permitted by the above regulations

4 Approved Methods and Sources of Raising Capital Finance

The following instruments are available and may be utilised to provide capital finance:-

	Rates of interest	
	Fixed	Variable
PWLB	✓	✓
Market Long-term	✓	✓
Market Temporary	✓	✓
Bank Overdraft		✓
Internal Funds		✓
Operating Leases	✓	✓
Finance Leases	✓	✓

No instruments, other than those listed may be used.

TMP5 ORGANISATION, CLARITY AND SEGREGATION OF RESPONSIBILITIES AND DEALING ARRANGEMENTS

In accordance with the Council’s Constitution, Council is responsible for approving the annual Treasury Strategy and Plan.

1 Responsibilities of Staff Relating to Treasury Management

Section 151 Officer

- Ensure that Treasury Management activities comply with the CIPFA Code of Practice for Treasury Management in the Public Services.
- Submit budgets for treasury management activities
- Implement the Council's Treasury Strategy and Plan.
- Report to Council on the Treasury Strategy and Plan for the next financial year and Treasury Management Performance for the past financial year.
- Ensure the adequacy of internal audit and liaise with external audit
- Approve the Council's lending list and any changes to it
- Ensure staff involved in treasury management receive appropriate training
- Ensure that the treasury management function is adequately resourced
- Ensure all staff involved in dealing are aware of the principles contained in the Bank of England's London Code of Conduct for corporate dealing in the money market
- Assess and appoint money brokers
- Ensure that all proposed transactions are intra-vires

Head of Finance, Revenues & Benefits

- Absence cover for the Section 151 Officer
- Prepare the annual Treasury Strategy and Plan Report and the annual Treasury Management Performance Report
- Prepare the annual budget for treasury management activities
- Review TMPs
- Transmit priority payments
- Advise the Section 151 Officer on treasury management matters
- Manage the treasury management function

Technical Accountant

- Check daily cash-flow and agree dealing
- Ensure adherence to Council's lending list
- Check monthly reconciliations
- Maintain procedure notes for the treasury management function
- Dealing and recording of deals
- Completion of Priority Payment forms
- Maintenance of documentation
- Prepare daily and long term cash-flow projections
- Check receipt of treasury management funds
- Prepare documentation to confirm deal which should be signed by an approved signatory.

Trainee Accountant

- Reconcile Treasury records to the financial ledger on a monthly basis.

Other Responsible Officers

Head of Paid Services

- That the system is laid down and properly resourced.

- That the Section 151 Officer complies with statutory guidelines as regards reporting to elected members on treasury policy, activity and performance.

The Monitoring Officer

- Should ensure that all policy and strategy put forward by the Section 151 Officer complies with the law.

Internal Audit Service

- Review compliance with approved policy and procedures.
- Review division of duties and operational practice.
- Review treasury function for probity.

2 Dealing and Decision Making Limits

All treasury management activities should be carried out in accordance with the annual Treasury Strategy and Plan.

TMP 6 REPORTING REQUIREMENTS AND MANAGEMENT INFORMATION ARRANGEMENTS

1 Annual Treasury Strategy and Plan

The Treasury Strategy and Plan sets out the expected treasury activities for the forthcoming financial year. This strategy will be submitted to Council for approval before the start of each financial year.

The formulation of the annual Treasury Strategy and Plan involves determining the appropriate borrowing and investment decisions in the light of anticipated movement in both fixed and shorter-term variable interest rates.

The Treasury Strategy and Plan will include the following elements:

- The current treasury position
- The expected movement in interest rates
- The Council's borrowing and debt strategy
- The Council's investment strategy
- Treasury performance indicators (see 2 below)
- Specific limits on treasury activities
- Local treasury issues

The Section 151 Officer must ensure that all proposed transactions are intra-vires, and if not must make a report under Section 114 of the Local Government Finance Act 1988.

The Section 151 Officer and Chief Executive and Monitoring Officer, must ensure that the stated policy is adhered to and if not must also bring the matter to the attention of the elected members as soon as possible.

In the circumstances of a Section 114 report the external auditor must be advised immediately.

2 Borrowing Limits

As required by the Local Government Act 2003 and CIPFA's Prudential Code for Capital Finance in Local Authorities, Council must approve before the beginning of each financial year the following limits:

- the Authorised Limit for External Debt
- the Operational Boundary for External Debt
- the Upper Limit on Fixed Interest Rate Exposure
- the Upper Limit on Variable Interest Rate Exposure

for the forthcoming year and the following two years.

Furthermore Council must approve before the beginning of the financial year:

- the Lower Limit for the Maturity Structure of Borrowing
- the Upper Limit for the Maturity Structure of Borrowing

for the following periods:

- under 12 months
- 12 months and within 24 months
- 24 months and within 5 years
- 5 years and within 10 years
- 10 years and above.

The Section 151 Officer is responsible for incorporating these limits into the annual Treasury Strategy and Plan and for ensuring compliance with the limits. Should it prove necessary during the year to amend these limits the Section 151 Officer in consultation with the Chief Executive may in exceptional circumstances do so, but only if it is necessary to avoid incurring a loss or cost to the Council.

Any such interim action must be reported to the Leader of the Council and Chairperson of the Policy, Finance and Development Committee and be endorsed at the next meeting of the Council.

3 Annual Treasury Management Performance Report

An annual report will be presented to Council by the end of September, to report on the performance of the Treasury Management Function for the previous year.

This report will include the following.

- Actual borrowing, investments and repayments for the year, detailing counterparty amounts and terms.
- The actual interest rate changes for the year against the original plan.
- A commentary on general performance
- A commentary on compliance with the Treasury Management Policy Statement and the Treasury Strategy and Plan.

TMP 7 BUDGETING, ACCOUNTING AND AUDIT ARRANGEMENTS

1 Accounting Practices and Standards

The Section 151 Officer will prepare a budget for Treasury Management in accordance with the appropriate accounting practices and standards and with the statutory and regulatory requirements in force.

2 List of Information Requirements of External Auditors

External auditors will have access to all papers supporting and explaining the operation and activities of the treasury management function.

TMP 8 CASH AND CASH FLOW MANAGEMENT

1 Preparation of Cash Flow Statements

Cash flow projections will be prepared on a regular and timely basis in order to effectively manage cash balances and to calculate interest and investment income.

There is no necessity to maintain an aggregate surplus cash balance but where possible it is the intention to achieve a nil cleared balance.

The cash flow forecast is updated daily to take account of income and expenditure i.e. creditors and debtors and this information is provided by the National Westminster Bankline service. This will ensure for the purposes of monitoring compliance with TMP1 Liquidity Risk Management, that adequate funds are available on a regular basis.

Whenever the projected cash flow statement indicates a surplus cash balance funds are invested with institutions on the counterparty list.

The Council make creditor payments on the due date which ensures that funds remain in the account for as long as possible.

Debtor invoices are raised on a regular and timely basis and procedures are in place for reminder and recovery action to take place for unpaid invoices.

Bank statements are received on a daily basis and are reconciled to the Cash Book.

TMP 9 MONEY LAUNDERING

1 Procedures for Establishing Identity of Lenders

The Council does not accept loans from individuals. Loans are obtained from authorised institutions under the Banking Act 1987, building societies or from other public sector bodies, e.g. the Bank of England or other local authorities.

TMP 10 STAFF TRAINING AND QUALIFICATIONS

A number of different courses are run to accommodate the training requirements of staff involved in treasury management activities, as well as those involved at a strategic level. These courses will explain the complexities of dealing procedures, interest calculations, credit ratings, the regulatory framework, different types of investment instruments, etc.

Seminars are held for staff involved in managing the service, issues covered are for example:

- to provide updates on the implications of new regulations/ legislation
- codes of practice
- to obtain the latest economic forecasts for the economy and interest rates.

TMP 11 USE OF EXTERNAL SERVICE PROVIDER

External Service providers may be employed to give expert advice on borrowing and lending decisions. The Council will at all times make sure that these providers will only be employed where

there is a clear value for money benefit to the organisation. The selection of these providers will be carried out under the Council's Contract Procedure Rules and their performance and value to the organisation will be monitored and measured.

The Council recognises that responsibility for treasury management decisions lies with the Council at all times

TMP 12 CORPORATE GOVERNANCE

The Council is committed to proper corporate governance, openness and transparency in its treasury management activities as demonstrated by the adoption of the Treasury Management Code of Practice.

Information about the Council's treasury management activities is accessible and the strategy and outturn reports are public documents.

The procedures set out in the TMPs for reporting and audit (both internal and external audit) are designed to ensure the integrity and accountability of the function.

PRUDENTIAL INDICATORS 2019/20

1.0 The Prudential Code

Part 1 of the Local Government Act 2003 and C.I.P.F.A.'s Prudential Code for Capital Finance in Local Authorities (the Code) set out a framework for self-regulation of capital spending, in effect allowing council's to invest in capital projects without any limit as long as they are affordable, prudent and sustainable. This allows the Council to determine the appropriate level of capital investment to properly deliver quality public services, subject to affordability.

The revenue costs of capital investment can be supported through the Revenue Support Grant (RSG) mechanism up to a certain level, known as Supported Capital Borrowing. However, since 2010/11 this support has not provided and will not be provided in future years as RSG is phased out in

To facilitate the decision making process and support capital investment decisions the Prudential Code requires the Council to agree and monitor a number of Prudential Indicators.

For housing authorities these are separated for the Housing Revenue Account and non-Housing Revenue Account capital investment.

These indicators are mandatory, but can be supplemented with local indicators if this assists interpretation. The indicators cover affordability, prudence, capital expenditure, external debt and treasury management and form the basis of in year monitoring and reporting.

The indicators are purely for internal use by the Council and are not to be used as comparators between authorities, as any comparisons will be meaningless. In addition, the indicators should not be taken individually; rather the benefit from monitoring will arise from following the movement in indicators over time and the year on year changes.

2.0 Capital Expenditure and the Capital Financing Requirement

The Capital Financing Requirement (CFR) represents the Council's underlying need to borrow for a capital purpose; the change year on year will be influenced by the capital expenditure in the year. In simple terms the CFR will increase by the amount of capital expenditure to be financed by borrowing less any amount set aside in the year to repay debt.

The expected movement in the CFR over the next three years is dependent on the level of supported and unsupported capital expenditure

decisions taken during the budgeting cycle. There are two main limiting factors on the Council's ability to undertake unsupported capital expenditure:

- Whether the revenue resource is available to support in full the implications of capital expenditure, both borrowing costs and running costs. Can the Council afford the implications of the unsupported capital expenditure?
- The Government may use a long stop control to ensure that either the total of all local authorities' plans do not jeopardise national economic policies, or in the event of an assessment by central government that local plans are not affordable at a particular council, it may implement a specific control to limit its capital expenditure plans.

The Council's expectations for capital expenditure and Capital Financing Requirement (CFR) in the next three years are shown in the following tables. These form two of the required Prudential Indicators.

2.1 Breakdown of Capital Expenditure by Service

The table below takes into account the Council's estimates of available resources as set out in the Medium Term Financial Strategy and the HRA Business Plan as adjusted for any major changes during the budget setting process.

	2018/19 Estimate £ 000s	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2021/22 Estimate £ 000s
General Fund	3,861	1,750	350	350
HRA	1,239	1,500	1,273	1,273
Total	5,100	3,250	1,623	1,623

2.2 Capital Financing Requirement

The actual and estimated CFRs are set out below together with a split between supported and unsupported spending.

	2018/19 Estimate £ 000s	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2020/21 Estimate £ 000s
Capital Expenditure *				
Supported Spend	3,183	2,581	1,273	1,273
Unsupported Spend	1,917	669	350	350
Total Spend	5,100	3,250	1,623	1,623
Financed By:				
Borrowing	1,917	669	350	350
Capital Receipts	279	0	0	0
Capital Grants	1,720	1,276	0	0
Earmarked Funds	184	0	0	0
Major Repairs Reserve	1,000	1,305	1,273	1,273
Revenue	0	0	0	0
Other Contributions	0	0	0	0
Total Financing	5,100	3,250	1,623	1,623
Capital Financing Requirement				
CFR - General Fund	16,498	17,167	17,517	17,867
CFR - HRA	19,628	19,628	19,628	19,628
Total CFR	36,126	36,795	37,145	37,495

*These figures represent an affordable capital programme rather than the total of capital submissions put forward by budget holders.

2.3 External Debt

The following estimate of gross external debt is provided for information.

	2018/19 Estimate £ 000s	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2021/22 Estimate £ 000s
Borrowing	31,500	33,000	37,000	37,500
Other Long term Liabilities	0	0	0	0
Total Debt at 31st March	31,500	33,000	37,000	37,500

3.0 Affordability Prudential Indicators

The indicators that follow provide an indication of the impact of the capital investment plans on the overall Council finances.

3.1 Ratio of Financing Costs to Net Revenue Stream

The actual and estimates of the ratio of financing costs to net revenue stream identifies the trend in the cost of capital (borrowing costs net of interest and investment income) against the net revenue stream. The estimates of financing costs include current commitments and the proposals in the budget report.

	2018/19 Estimate %	2019/20 Estimate %	2020/21 Estimate %	2021/22 Estimate %
General Fund	13.6	17.3	16.2	16.5
HRA	11.7	12.7	12.3	11.8

3.2 Incremental Impact of Capital Investment Decisions on the Band D Council Tax

The estimates of the incremental impact of capital investment decisions on the Council Tax indicator identifies the trend in the cost of proposed changes in the three year capital programme recommended in the budget report compared to the Council's existing commitments and current plans. The figures are based on the assumptions included in the budget.

	Budget 2018/19 £	Forward Projection 2019/20 £	Forward Projection 2020/21 £
2018/19 Programme	2.36	2.36	2.36
2019/20 Programme	2.31	2.31	2.31
2020/21 Programme	2.27	2.27	2.27
Total	6.94	6.94	6.94

3.3 Incremental Impact of Capital Investment Decisions on Housing Rent Levels

The estimates of the incremental impact of capital investment decisions on housing rent levels are similar to the Council Tax calculation. This indicator identifies the trend in the cost of proposed changes in the housing capital programme recommended in the budget report compared to the Council's existing commitments and current plans, expressed as a change in weekly rent levels.

	Budget 2017/18 £	Forward Projection 2018/19 £	Forward Projection 2019/20 £
2017/18 Programme	0.43	0.43	0.43
2018/19 Programme	0.00	0.00	0.00
2019/20 Programme	0.00	0.00	0.00
Total	0.43	0.43	0.43

3.4 Prudential Indicators and Limits on Activity

A key control over the Council's activity is to ensure that over the medium term net debt will only be for a capital purpose. The Council needs to ensure that net debt does not, except in the short-term, exceed the total of the Capital Financing Requirement (CFR). The following table sets out the estimated net borrowing position in relation to the estimated CFR.

	2018/19 Estimate £ 000s	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2021/22 Estimate £ 000s
Borrowing	23,500	30,000	35,000	35,500
Investments	0	0	0	0
Net Debt	23,500	30,000	35,000	35,500
CFR	36,126	36,795	37,145	37,495

The Section 151 Officer reports that the Council complied with the requirement to keep net borrowing below the relevant CFR in 2019/20 and no difficulties are foreseen for the current year or in respect of net debt for future years. This opinion takes account of current commitments, existing plans and the proposals in this and the budget report.

It is predicted that the HRA CFR will end 2019/20 at £19.628 million. At present the Council will endeavour to keep it this level steady for this three year cycle of financial planning.

3.5 Treasury Management Prudential Indicators

These indicators are shown in detail at Appendix 3.

Appendix 3

TREASURY STRATEGY AND PLAN 2019/20

1.0 Introduction

In accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) latest Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement, a Treasury Strategy and Plan is prepared each year.

For the purpose of this strategy, treasury management includes the management of all capital market transactions in connection with the cash and funding resources of the Council. This covers all funds and reserves including the collection fund and includes the arrangement of leases.

The strategy includes broad principles, which provide the framework within which the Council's treasury management activities are conducted together with detailed plans for the management of the Council's loans and investment portfolios. The strategy includes those indicators required by the Prudential Code that relate to treasury management.

2.0 Treasury Management Objectives

The primary objective of treasury management operations will be to maximise the revenue resources available to the Council whilst ensuring the effective management of risks associated with treasury management activities in accordance with the following principles:

- i) That the cost of borrowing is minimised commensurate with following a prudent funding policy.
- ii) That the most advantageous rates of return on investments are secured commensurate with the primary principle of maintaining the capital value of funds.
- iii) That the Council maintains flexibility in its borrowing and lending portfolios.
- iv) That the Council manages its borrowings and investments as a combined portfolio in order to achieve the optimum net debt position.

The sections below provide a summary of the principal activities anticipated during the period covered.

3.0 Balanced Budget Requirement

It is a statutory requirement under the Local Government Finance Act 1992, for the Council to produce a balanced budget. In particular, it requires a local authority to calculate its budget requirement for each financial year to include the revenue costs that flow from capital financing decisions. This, therefore, means that increases in capital expenditure must be limited to a level of increase in costs to revenue from:-

- Increases in interest charges caused by increased borrowing and,
- Any increase in running costs from new capital projects

to a level which is affordable within the projected income of the Council for the foreseeable future.

4.0 Current Treasury Position

The Council's detailed treasury position is highlighted in the following table.

		31st March 2018		Rate	31st March 2019		Rate
		Actual			Actual		
		GF	HRA	%	GF	HRA	%
		£ 000s	£ 000s		£ 000s	£ 000s	
Fixed Rate Debt	PWLB	500		3.50	0		3.50
	PWLB	500		4.10	500		4.10
	PWLB	0	18,114	2.98	0	18,114	2.98
	PWLB	5,000		2.66	4,888		2.66
	PWLB						
	Market	8,000	0	0.55	8,000	0	0.68
Variable Rate Debt	PWLB	0	0		0	0	
	Market	0	0		0	0	
Total Debt		14,000	18,114		13,388	18,114	
Other Long-term Liabilities		0			0	0	
Total		14,000	18,114		13,388	18,114	
Fixed Investments		0			0	0	
Variable Investments		0			0	0	
Total Investments		0			0	0	
Net Borrowing		14,000	18,114		13,388	18,114	

5.0 Borrowing and Debt Strategy

5.1 Long Term

General Fund

At 31st March 2018 the Council's borrowing for General Fund purposes was total £6.0 million. This will be made up of three loans from the Public Works Loan Board (PWLB) as shown in the table at 4.0.

Up until the end of 2015/16 the Council was able to utilise cash balances which it had in the form of short-term investments, grants and capital reserves to help in the funding of its capital programme and as a result had not been forced to increase long term borrowing despite carrying out ambitious schemes both in the General Fund and Housing Revenue Account.

In 2016/17 the financing of the Council's new leisure development was finalised. The Council borrowed £5 million from the PWLB, taken over 39 years. The remaining £5 million of the £10 million project was funded by internal borrowing.

During 2017/18 and 2018/19 the Council did not borrow any further moneys long term and instead continued to take advantage of the very low short term rates to keep interest payments under control. This tactic is not in the long term sustainable with interest rates due to raise during 2019/20.

With internal balances and investments utilised, future capital programmes will need to be funded principally from borrowing. It is proposed to borrow up to £5million in 2019/20 to replace the short-term debt and bridging the gap between the CFR and actual borrowing. A further £4.5million can then be taken out during 2019/20 and 2020/21 depending on the activities of the Council's wholly owned housing company or in partnership with other Councils

Total external debt relating to the General Fund for future financial years are expected to be:

2019/20	£13.00 million
2020/21	£18.00 million
2021/22	£20.00 million

Housing Revenue Account (HRA)

The self financing settlement involved the Council taking on £18.114 million of PWLB borrowing. The HRA business plan provides the repayment of HRA debt over its life. The initial borrowing was due to start repayment in 2020, however due to changes in government legislation which has impacted detrimentally on the financial position of the HRA, this debt repayment plan is now likely to need restructuring with a new plan being drawn up.

In 2016/17 and 2017/18 the HRA used a total of £1.6m borrowing to fund its capital programmes. This initially was supported by internal balances however this is not sustainable in the long term.

Although the figures have not yet been finalised it appears unlikely that any borrowing will be required for the HRA capital programme in 2018/19. However as the programme of current works is completed in 2019/20 borrowing will be required of around £0.8m.

The Council's initial investment of £18.114m which it borrowed for the new financial regime for housing in 2012 will start to be repaid at the end of 2019/20. This will mean the Council will have to start rescheduling its debt as changes to government housing policy have significantly reduced its ability to pay back these loans. The debt is repayable at £1million per annum.

5.2 Short Term

It is anticipated that some short term borrowing will be necessary during the period covered by the strategy. Should such borrowing be required to meet any short term deficits, the loans will be secured at the most favourable rates available.

6.0 Prudential Indicators and Limits on Activity

The purpose of these Prudential Indicators is to contain the activity of the treasury function within certain limits, thereby reducing the risk of an adverse movement in interest rates impacting negatively on the Council's overall financial position. However, if these are set to be too restrictive they will impair the opportunities to reduce costs.

6.1 Authorised Limit for External Debt

This represents the limit beyond which borrowing is prohibited and needs to be set and revised by Council. It reflects the level of borrowing which, while not desired, could be afforded in the short-term, but is not sustainable. It is the expected maximum borrowing need with some

headroom for unexpected movements. This is the statutory limit determined under section 3(1) of the Local Government Act 2003.

	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2021/22 Estimate £ 000s	2022/23 Estimate £ 000s
Borrowing	40,000	42,000	44,000	45,000
Other Long-term Liabilities	0	0	0	0
Total	40,000	42,000	44,000	45,000

The Chief Financial Officer (Section 151 Officer) reports that the authorised limits given above are consistent with the council's current commitments, existing plans and the proposals in the capital programme report. The limits are also consistent with the Council's approved treasury management policy statement and practices. Risk analysis of the key elements of the council's cash flow forecasts has been undertaken to determine these limits.

6.2 Operational Boundary for External Debt

This indicator is based on the probable external debt during the course of the year (allowing for peaks and troughs in cash flow and the impact of treasury management decisions). It is not a maximum and actual borrowing could vary around the boundary for short times during the year. It should act as an indicator to ensure the authorised limit is not breached.

	2019/20 Estimate £ 000s	2020/21 Estimate £ 000s	2021/22 Estimate £ 000s	2022/23 Estimate £ 000s
Borrowing	35,000	37,000	39,000	40,000
Other Long-term Liabilities	0	0	0	0
Total	35,000	37,000	39,000	40,000

6.3 Limits in Interest Rate Exposure

Upper Limits on Variable Rate Exposure – This indicator identifies a maximum limit for variable interest rates based upon net interest payments.

Upper Limits on Fixed Rate Exposure – Similar to the previous indicator this covers a maximum limit on fixed interest rates.

	2019/20 Upper %	2020/21 Upper %	2021/22 Upper %
Limits on fixed interest rates	100	100	100
Limits on variable interest rates	25	25	25

6.4 Maturity Structure of Fixed Borrowing

These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing.

	2019/20	
	Lower %	Upper %
Under 12 months	0	30
12 months to 2 years	0	35
2 years to 5 years	0	50
5 years to 10 years	0	75
10 years and above	0	100

6.5 Total Principal Sums Invested

These limits are set to reduce the need for early sale of investment, and are based on the availability of investments after each year-end.

There are no proposals at present for the Council to invest sums for periods longer than 364 days.

7.0 Local Performance Indicators

The Code of Practice on Treasury Management requires the Council to set performance indicators to assess the adequacy of the treasury function over the year. These are distinct historic indicators, as opposed to the Prudential Indicators, which are predominantly forward looking. The Council also sets local performance indicators which are as follows.

Local Indicator	2015/16	2016/17	2017/18	2018/19
Average rate of interest on borrowing compared to the national average	Level	Level	Level	level
Average rate of interest on investments compared to the national average	Level	Level	Level	Level

The results of these indicators will be reported as part of the Treasury Management Annual Report before 30th September each year.

8.0 Minimum Revenue Provision

Local authorities are required each year to set aside some of their revenue budget as provision for debt repayment. This scheme of Minimum Revenue Provision (MRP) is set out in sections 27, 28 and 29 of the Capital Finance Regulations 2003.

Under the guidance a statement of policy on making MRP is required. Members are asked to approve the following statement:

General Fund

For the financial year 2018/19, it is proposed that in respect of debt that is supported by Revenue Support Grant (RSG), MRP is calculated using the Capital Financing Requirement (CFR) method. For new borrowing for which no Government support is being given and is therefore self-financed, it is proposed that the Asset Life method is used, with the exception of the borrowing related to the development of the leisure facilities, where the Annuity Asset Life method will be used.

The CFR method calculates MRP as 4% of the non-housing CFR at the end of the preceding financial year (4% of the capital expenditure funded by supported borrowing). This is consistent with the way in which supported borrowing costs are paid through Revenue Support Grant.

The Asset Life method requires MRP to be made in equal annual instalments over the estimated life of the asset for which the unsupported borrowing is undertaken.

The Annuity Asset Life method requires that the MRP for each year be the amount presumed to be the principal element of the equal amounts that would be payable each year in respect of a loan at a specified rate of interest that would reduce the outstanding principal amount to zero at the end of the estimated useful life of the asset. This results in an MRP charge that rises over time. This is deemed to be particularly appropriate for assets which generate increasing revenues over time.

HRA

There is no statutory requirement to make a MRP in the HRA. There is, therefore, no requirement to follow the DCLG Guidance when

considering an appropriate provision for the HRA. Therefore, because

- ***There is no statutory requirement,***
- ***Repayment of debt is due to begin in March 2020 and***
- ***Resources were required in the early years of the HRA business plan to fund the demands of the asset management strategy***

During 2019/20 overall HRA debt will be reviewed with the view of planning to restructure, as required, as repayments become due each year. It is likely this will mean refinancing the loans on a term and rate which is most beneficial to the Authority.

Appendix 4

INVESTMENTS STRATEGY 2019/20 – 2021/22

1.0 Introduction

This strategy is written in accordance with guidance issued under section 15 (1) (a) of the Local Government Act 2003, the Department of Communities and Local Government (DCLG) Guidance on Local Authority Investments issued in April 2010, any revisions of that guidance, the Audit Commission's report on Icelandic investments and the revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes (2017).

The objectives of this strategy are to:

- Security - facilitate investment decisions which ensure that the Council's investment sums remain secure
- Liquidity - ensure the liquidity of investments so that the Council has sufficient cash resources available to carry out its functions at all times
- Optimum Yield - achieve the maximum return on investments after taking into account security and liquidity

2.0 Current Investments

Surplus funds arising from day to day operations are invested based on the most up to date forecasts of interest rates and in accordance with the Council's cash flow requirements in order to gain maximum benefit from the Council's cash position throughout the year. In the current financial climate only specified investments will be considered as set out below.

3.0 Investments

In accordance with relevant guidance, all investments will be placed with counterparties included on the Council's approved list. Institutions with which specified investments will be made include:

- UK government institutions and other local authorities
- institutions which have been awarded a high quality credit rating by a credit rating agency

The length of time an investment can be placed for is specified below under each category of counterparty, normally this will be no longer than 364 days.

Non-Specified Investments are any investment not meeting the definition of a specified investment above. The Authority does not intend to make any investments denominated in foreign currencies, nor any that are defined as capital expenditure by legislation, such as company shares. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement, and

investments with bodies and schemes not meeting the definition on high credit quality.

The Council's Treasury Management Practice note 1 (3) states that 'The Section 151 Officer will be responsible for preparing for the Council a list of institutions in which the Council's funds may be invested. This list will be supported by details of the criteria employed to assess the various credit standings of counterparties'. The following credit ratings will be considered:

- Long-term ratings – these range from the highest rating of AAA to the lowest rating of D. As the title suggests, this indicator reflects the long-term stability of the institution.
- Short-term ratings - These have a time horizon of less than 12 months and therefore place greater emphasis on the liquidity necessary to meet financial commitments in a timely manner. As most of the Council's investments are expected to be for less than 364 days, this is of particular importance. The ratings are F1 (highest credit quality), F2 (good credit quality), F3 (fair credit quality) and B to D (representing various levels of potential default).
- Individual ratings – These range from the highest of A to the lowest of F. This rating is only assigned to banks and attempts to assess how it would be viewed if it were entirely independent and could not rely upon external support.
- Support ratings – These range from 1 to 5 with 1 being the highest. It is a judgement on whether a bank would receive support should this become necessary. It is assumed that any such support would come from the sovereign state or institutional owners.

The Council's counterparty list needs to provide security for the amounts invested whilst containing a sufficient number of institutions with which to place funds. For the purpose of this strategy in respect of Categories 1 and 2 below, only counterparties that meet all of the following criteria will be considered for investment.

- UK banks
- Building societies with asset bases in excess of £6 billion.
- By reference to all three major credit rating agencies (Fitch, Standard and Poor's, Moody's) only those that reach the minimum standard for the lowest agency rating set out.

Category 1

The minimum ratings that will be considered for all agencies are set out below:

	Credit Agency		
Term	Fitch	Moody's	S & P
Short	F1	P1	A1
Long	AA-	AA3	AA-
Individual	C	D	
Support	3		

For any organisation that meets the above criteria, up to £1.5m may be invested at any one time for a maximum duration of 364 days.

Any building society that meets the above criteria must also have an asset base in excess of £6 billion.

Category 2

The minimum ratings that will be considered for all agencies are set out below:

	Credit Agency		
Term	Fitch	Moody's	S & P
Short	F1	P1	A1
Long	A	A2	A1
Individual	C	D	
Support	3		

For any organisation that meets the above criteria, up to £1m may be invested at any one time for a maximum duration of 12 months.

Any building society that meets the above criteria must also have an asset base in excess of £6 billion.

Other counterparties that can be used and any restrictions applicable are set out below.

Debt Management Office

Investments of a maximum duration of 6 months can be made with this Government department.

Public Authorities in England, Scotland and Wales

Investments totalling up to £5m at any one time with a maximum duration of three years can be made with these bodies. These include local government, fire and police authorities.

Money Market Funds

Investments of up to £1.5m per fund at one time can be made provided they are AAA rated.

Credit ratings are monitored on a daily basis using Sector's credit rating service by the Section 151 Officer who will determine the amendments to be made to the counterparty list when credit ratings change.

Property Funds

Investments up to £1m. CCLA Property Fund investment will be the Council's only Non-Specified Investment and there is a limit of £1 million for this asset class

The proposed counterparty list for investments is given at Annex 3.1.

4.0 Liquidity of Investments

The period for which investments are placed will be based on the Council's cash flow forecasts and estimates of movements in interest rates. The Council generally does not expect to place investments for longer than 364 days although this situation will be kept under review by the Section 151 Officer should a longer term investment opportunity occur. Long-term investments will only be made where it is clear that surplus cash resources are not required for the day to day financing of the Council's activities. The maximum period for any long-term investments will be the three-year planning cycle covered by this strategy.

5.0 Policy on the Use of External Service Providers

External investment managers will not be used, except to the extent that a Money Market Fund can be considered an external manager.

The Authority uses Link Asset Services as an external treasury advisor but still recognise that responsibility for treasury management decisions remains with the Council at all times. Whilst it is recognised that undue reliance should not be placed on external advisors, it is valuable to be able to access specialist skills and resources.

6.0 Scheme of Delegation

Full Council

- Approval of annual strategy
- Review of treasury management policy and procedures, including making recommendations to responsible body

Policy, Finance and Development Committee

- Approval of annual treasury outturn report
- Approval of mid year treasury management updates
- Mid year treasury management updates

Section 151 Officer

- Day to day management of treasury management, within agreed policy
- Appointment of external advisors, within existing Council procurement procedures and standing orders.

7.0 Role of Section 151 Officer

The Section 151 Officer has day to day responsibility for running the treasury management function.

8.0 Ethical Investment Strategy

The Council aims to be aware of ethical issues within its investment strategy. Where any member of the Council becomes concerned about such issues, these matters should be reported to the Section 151 Officer. Where necessary, the Section 151 Officer will then present a response to the concerns raised to the next meeting of the Policy, Finance and Development Committee.

EXTERNAL INVESTMENT OF FUNDS - APPROVED INSTITUTIONS**Category 1**

Restrictions	
Max Amount £m	1.5
Duration	364 days
Asset Base (Building Societies Only)	£6 bn

Category 2

Restrictions	
Max Amount £m	1
Duration	364 days
Asset Base (Building Societies Only)	£6 bn

The following institutions will also be classed as Category 2 although they currently may not meet the exact criteria.

Barclays Bank Plc

Lloyds Bank Plc

HSBC Plc

Santander UK Plc

National Westminster Bank Plc

Royal Bank of Scotland Plc

Bank of Scotland Plc

Nationwide Building Society

Debt Management Office

Restrictions	
Max Amount £m	N/A
Duration	6 months

Operated by a National Government Department

Public Authorities in England, Scotland and Wales

Restrictions	
Max Amount £m	5
Duration	3 Years

All public authorities (including local government, fire and police authorities) in England, Wales and Scotland

Money Market Funds

Restrictions	
Max Amount £m	1.5
Duration	N/A

Funds must be AAA-rated and operated by a company regulated by the Financial Services Authority. The Section 151 Officer, under delegated powers, will choose the appropriate fund(s).

CAPITAL STRATEGY 2019/20

1. Introduction

1.1. The CIPFA revised 2017 Prudential and Treasury Management Code require, for 2019-20, all local authorities to prepare an additional report which will provide:

- A high-level long term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- An overview of how the associated risk is managed; and
- The implications for future financial sustainability.

1.1. This will be the Capital Strategy Report. The aim of this report brings together our existing Medium Term Financial Strategy, Treasury Management Strategy and Capital Programme, whilst also highlighting governance procedures, risk appetites and the impact upon achieving our new corporate objectives.

1.2. In relation to our capital expenditure programme and investments, our aim is to deliver our new corporate objectives and our priorities with a programme that is affordable and sustainable.

2. Capital Expenditure

2.1. Definition of Capital Expenditure

2.1.1. Capital expenditure is expenditure on the acquisition of a fixed asset or expenditure which adds to and not merely maintains the value of an existing fixed asset. Non-current assets are:

Operational assets:

- Council Dwellings
- Other land and buildings
- Vehicles, plant, furniture and equipment
- Community assets
- Intangible assets

Non-operation assets

- Investment properties
- Heritage assets
- Assets under construction
- Assets held for sale

1.1.1. It should also be noted that grants or loans to a third party towards expenditure that meets the above definition can also be capitalised. For example, Disabled Facilities Grants fulfil this criterion.

1.1.2. There are a number of reasons as to why the Council would incur capital expenditure, and these would include:

- To deliver our corporate priorities
- To meet statutory and legal requirements
- To refurbish and prolong the life of existing assets
- To avoid unnecessary revenue expenditure

1.1. Capitalisation Policy

1.1.1. All new schemes, prior to inclusion in the capital programme, must first have been considered as part of the Service and Financial Planning process. This must include details of the objectives of the scheme, the resources required, the timescale and the revenue implications. The de minimis level for a scheme to be considered as a capital scheme has been set at £3,000.

1.1.2. The following categories of expenditure will be capitalised:

- The acquisition, reclamation, enhancement or laying out of land;
- The acquisition, construction, preparation, enhancement or replacement of buildings and other infrastructure;
- The acquisition, installation or replacement of vehicles, plant, machinery and equipment;
- The making of grants, loans or other financial assistance towards expenditure;
- The acquisition of share or loan capital;
- The acquisition of computer software licences.

2. Capital Plans

The Council's capital programme comprises of these two key themes:

- Delivery of our Corporate Plan
- Delivery of our asset management plans

2.1. Core Influences

2.1.1. The Council has an overarching core influence for our Capital Strategy and this is derived from our Vision and Priorities.

2.1.2. Oadby and Wigston Borough Council recently approved a new five-year Corporate Plan spanning the period 2019-2024. Oadby and Wigston is a borough that is continuing to thrive and develop, developing our communities and economy, enabling and shaping growth and delivering services to our customers to the highest standard. This Corporate Plan sets out the way in which the Council will deliver and develop our services for the next five years, with the three new corporate objectives that serve our residents, communities,

businesses and partners to the highest standards, improving our borough as a place to live, work and visit. Our Vision for 2019-2024 is:

“A Stronger Borough Together, Improving the Lives of Our Communities”

2.1.3. This is supported by three new corporate objectives which aim to serve our residents, communities, businesses and partners to the highest standards, improving our borough as a place to live, work and visit, with these being:

- Building, Protecting and Empowering Communities - “Be Proud of your borough as a place to live”
- Growing the Borough Economically - “Realise the aspirations of the borough, benefiting those who live and work here”
- Providing Excellent Services - “Delivering those services needed to the highest standard whilst providing value for money”

2.2. Building, Protecting and Empowering Communities

2.2.1. This objective looks to not only build suitable accommodation to meet the needs of the community, delivering housing, attract people to our borough to live, reducing homelessness and the causes of homelessness, but to also build upon our strong communities, engaging with them and building greater community cohesion.

2.2.2. We also want to protect our communities, not just working with the Police to tackle crime, antisocial behaviour and enforcement, but to address health needs across the borough. We will work with health partners, including the Fire Service, to improve health equality, meaning nobody should feel excluded and reducing loneliness created by the modern world.

2.2.3. We will empower our communities, generating positive involvement, not only through the work of Councillors within their wards and neighbourhood forums, but to engage a greater proportion of our borough, engaging with those who often feel disenfranchised. We will increase our volunteering opportunities and encourage our communities to get more involved, taking greater responsibility for where they live, work and play.

2.3. Growing the Borough Economically

2.3.1. This objective aims for our borough to be the best it can be, economically. We will work with businesses – from local sole traders to multinational corporations as to how we can help businesses develop and grow within our borough whilst attracting new organisations to the borough. This will not only provide greater opportunities for employment for our residents and regeneration opportunities, but helps our local students with opportunities to stay within the borough whereas they may be forced to look further afield for such opportunities.

2.3.2. The borough has a rich array of attractions that should attract people to the borough, but sadly we are not maximising this. We will market the borough as a place that is worth visiting, working with partners to create a “joined-up”

approach. We will also identify what areas of demand we are lacking and look to plug those gaps – increasing the reasons to visit the borough. We will also look at our entertainment and night-time economy and look to create a sustainable and enjoyable environment where people can enjoy the borough through a host of opportunities in the evenings.

- 2.3.3. The Council will look to be more commercial in regards to generating income that can protect frontline services and not have to cut them. We will look to maximise the value our assets can provide and look at ventures that could generate commercial income rather than increase taxes on our communities.

2.4. Providing Excellent Services

- 2.4.1. This objective for our borough to put the customer first – getting things right first time and providing services to the highest standards. The Council has always aspired to provide excellent services for all of our customers, be they Residents, Businesses, Partner Organisations or internally, meaning that we need to understand their needs. The Council has already shifted to focussing on outcome delivery, and we will ensure that we will get things right at the first opportunity we have.

- 2.4.2. The Council will aim to achieve the prestigious and nationally recognised “Customer Service Excellence Award” to demonstrate that we are achieving what we have set out to do. The award is a quality-mark award that rates how the services received by residents are delivered by the Council. We will use this award as a driver of continuous improvement and enable our staff to improve their skills which will enable further improvements in the delivery of services.

- 2.4.3. We will also be utilising technology to make life safer for our residents or the implementation of smart technology in the homes of the vulnerable to allow them instant access to services, alongside the utilisation of technologies to improve our effectiveness in delivering our services.

- 2.5. The Council has a number of key strategic documents that link directly to our Corporate Plan, and these include the Medium Term Financial Strategy and Risk Management. The Council is currently finalising its workforce strategy and is updating our Asset Management Strategy. Other strategies, such as Play and Parks Strategy are in the pipeline for development and these will further inform the Councils long-term capital strategy.

- 2.6. There are a number of core influences that also directly influence our Capital Strategy and these include:

- The work of the Leicester & Leicestershire Enterprise Partnership (LLEP) and Local Authority Partners – collaborative strategies and plans such as the Strategic Growth Plan and the LIS.
- Local Government Association Peer Review
- Accounting Standards and Regulations
- The Local Plan – due for formal adoption in April 2019 identifying key areas that will influence Council delivery of sites and developments

- Housing Asset Management Plan – the long term development and maintenance of the Councils housing stock.

1. Capital Programme

- 1.1. The Council has always linked its Capital Programme to its Medium Term Financial Strategy, and this Strategy lasts until 2020. Given the financial uncertainty regarding local government finances, the Council will produce both a revised MTFs and an official Capital Programme that will run concurrently.
- 1.2. The 2019/20 Capital Budget is summarised below. New schemes for 2019/20 include the provision of a 3G Pitch in Oadby (costing around £840,000), an extension to Coombe Park Pavilion (£170,000), a sports pitch improvement programme (£80,000) and the provision to award private sports grants, funded by s106 money (£150,000).

Fund	2019/20	Est c/f from 2018/19	Total 2019/20
	£000's	£000's	£000's
Housing Revenue Account	1,500	643	2,143
General Fund	1,750	1137	2,887
Total Programme	3,250	1,780	5,030

- 1.3. New schemes for the year total £3.25m with approximately £1.8m carried forward from 2018/19. The carried forward schemes will include the completion of the Horsewell Lane Pavilion and Ervins Lock projects.

2. Capital Receipts

- 2.1. Capital receipts primarily arise from the disposal of council assets, subject to the de minimis limit of £3,000. However, it should be noted that the council has a limited asset base, both through the general fund and HRA, meaning there is limited opportunity to generate capital receipts through the disposal of assets.
- 2.2. The Council may also use capital receipts to repay debt or fund organisational transformation. In each case, this has the effect of reducing revenue impact on the general fund account.
- 2.3. The Council receives the Disabled Facilities Grant annually from Central Government, amounting to approximately £350k per annum. This grant is required to be spent in accordance with a Better Care Fund spending plan jointly agreed by local authorities and CCGs, and administered through the "Lightbulb Partnership".
- 2.4. The Council also receives other government grants occasionally which are normally ring-fenced for specific spend, such as air quality monitoring.

2.5. The Council is able to borrow money for capital purposes, subject to it being:

- Affordable;
- Sustainable; and
- Prudent.

2.6. The way the Council assesses the borrowing capabilities and proposals is using Prudential Indicators. These indicators are reported in our Treasury Management Strategy and Plan.

2.7. The Council may borrow externally (i.e. Loans via the Public Works Loan Board), or by way of applying our cash balances – internal borrowing. The Council looks to limit the amount of borrowing it undertakes given its significant impact on the repayment of interest and Minimum Revenue Position. The Council, when assessing the financial viability of capital schemes, looks to ensure these impacts are minimised. For example, the cost of funding Leisure Centre Development is funded in the majority by increased revenue generated, thereby minimising the impact on the General Fund.

2.8. The Council receives Section 106 contributions which are received via planning obligations through new developments within the borough. These are normally intended to fund new infrastructure developments and improvements to the area such as play equipment, community centres or affordable housing delivery.

2.9. The Council may use reserves to fund capital expenditure. However, given the Council's relatively low monetary value of its reserves, the Council is planning to boost its reserves in future years that will not only allow for greater financial stability, but to also allow funding to be used to pump-prime development.

2.10. The Council has the following sources of funding available for 2019/20 (excluding specific government grants such as the Disabled Facilities Grant).

Funding	£000's
Borrowing (General Fund)	1,425
Borrowing (HRA)	803
Grants and Contributions	876
S106 Funding	436
Usable Capital Receipts	140
Major Repairs Reserve	1,340
Total	5,030

2.11. When the 2019/20 Capital Programme was approved in February 2019, this was based upon the Corporate Objectives that ended in March 2019. These objectives were updated in March 2019 and came into effect on 1st April 2019. The

breakdown of spend by objective has been updated and can be seen in the table below (new schemes only).

Funding	£000's
Building, Protecting and Empowering Communities	1,517
Growing the Borough Economically	1,547
Providing Excellent Services	186
Total	5,030

3. Appraisal and Approval Process

- 3.1. The Council approves the Capital Programme annually as part of the Budget Setting Process, which normally lasts for the duration of the Medium Term Financial Strategy. For 2019/20, Council only formally approved one year of the Capital Programme whilst we await formal confirmation of the post 2020 funding for local government. In future years, schemes falling within the first year of the programme will be fully analysed and appraised before being recommended to Council as part of the Budget Setting Process. The remaining years of the capital programme will remain to identify schemes of work, their costs and how they meet the Corporate Plan objectives. This plan, as with the Medium Term Financial Strategy is updated on a rolling basis, be this annually (formally) or as and when new information that can materially influence the programme comes to light.
- 3.2. Capital Projects are appraised by the Chief Financial Officer and Deputy Section 151 Officer before being submitted to the Senior Management Team for formal approval to be recommended to Council. All Capital Schemes are monitored by the Programme Management Board which comprises the Chief Executive, Deputy Chief Executive, Chief Financial Officer and Head of Customer Service and Transformation. The findings of the Programme Management Board are reported to the relevant committee, with the financial monitoring being reported to the Policy, Finance and Development Committee.
- 3.3. The Programme Management Board will also review all corporate projects – these may be comprised of Capital and Revenue Projects and Transformation projects. These are reported to the Service Delivery Committee. Projects funded by Section 106 agreements are reported to the Service Delivery Committee, as is the work of the Lightbulb Partnership which delivers our Disabled Facilities Grant.
- 3.4. The Capital Planning process covers the core items that enable assessment, whilst larger programmes of work also have to include a project initiation document alongside the business case for approval. The Council follows the PRINCE 2 methodology when managing and monitoring projects (including capital schemes).

3.5. The Capital Programme planning process is run concurrently with the budget setting process, and the appraisal process, findings and implications are built into the budget. However the Council is aware that, as with the revenue budget, the need to appraise and approve new projects can happen throughout the financial year. Therefore the Council can carry out the assessment of projects at any point during the year utilising the process outlined previously.

4. The Prudential Code

4.1. The Prudential Code states that the governance procedure for setting and revising the capital strategy and prudential indicators is the responsibility of full Council.

4.2. Part 1 of the Local Government Act 2003 and C.I.P.F.A.'s Prudential Code for Capital Finance in Local Authorities (the Code) set out a framework for self-regulation of capital spending, in effect allowing council's to invest in capital projects without any limit as long as they are affordable, prudent and sustainable. This allows the Council to determine the appropriate level of capital investment to properly deliver quality public services, subject to affordability.

4.3. For housing authorities these are separated for the Housing Revenue Account and non-Housing Revenue Account capital investment.

4.4. The Capital Financing Requirement (CFR) represents the Council's underlying need to borrow for a capital purpose; the change year on year will be influenced by the capital expenditure in the year. In simple terms the CFR will increase by the amount of capital expenditure to be financed by borrowing less any amount set aside in the year to repay debt.

4.5. The expected movement in the CFR over the next three years is dependent on the level of supported and unsupported capital expenditure decisions taken during the budgeting cycle. There are two main limiting factors on the Council's ability to undertake unsupported capital expenditure:

- Whether the revenue resource is available to support in full the implications of capital expenditure, both borrowing costs and running costs. Can the Council afford the implications of the unsupported capital expenditure?
- The Government may use a long stop control to ensure that either the total of all local authorities' plans do not jeopardise national economic policies, or in the event of an assessment by central government that local plans are not affordable at a particular council, it may implement a specific control to limit its capital expenditure plans.

4.6. The Council's expectations for capital expenditure and Capital Financing Requirement (CFR) in the next three years are shown in the following tables. These form two of the required Prudential Indicators.

- 4.7. The Council therefore demonstrates our compliance through monitoring a range of locally agreed indicators that are approved by Council. These indicators are included in the Treasury Management Strategy and are based upon the Capital plans approved in the budget and are formulated in accordance with our Capital Strategy.
- 4.8. A summary of the Prudential Indicators can be found in the Treasury Management Strategy.

5. Constitution

- 5.1. Oadby and Wigston Borough Council's Constitution states that Full Council is responsible for approving the Medium Term Financial Strategy, which will be recommended by the Policy, Finance and Development Committee. This covers the Financial Strategy, Capital Programme and Treasury Management.
- 5.2. The Chief Financial Officer is responsible for determining the capital resources available to fund the expenditure plans of the Council. The Senior Management Team is responsible for ensuring that the Capital Programme is prepared on an annual basis for consideration by the Policy, Finance and Development Committee.
- 5.3. Progress against the Capital Programme is reported to the Service Delivery Committee and the Policy, Finance and Development Committee on a quarterly basis. Specific projects are reported to the relevant committee/sub-committee where appropriate.

6. Skills, Resources & Knowledge

- 6.1. The Council employs a number of officers who have key responsibilities in the delivery of the core aims of Capital Strategy. In 2019, these include:
- The Deputy Chief Executive
 - The Chief Financial Officer
 - The Financial Services Manager
 - The Corporate Asset Manager
 - The Housing Services Manager
 - The Regeneration Manager
- 6.2. These officers have extensive knowledge and experience of the development of capital schemes, including the commissioning of partners and suppliers to deliver the schemes.
- 6.3. The Council has in-house Legal and Finance teams who support the Council in the delivery of the Capital Programme.
- 6.4. The Council also makes use of external advice when developing projects which are commissioned either on a contract basis or as and when required, and these include:

- Treasury Management advisors
- External Legal advisors
- Property experts
- External valuers
- Local Government advisors

6.5. Members are engaged with the budget process, including the Service Delivery Committee, the Policy, Finance and Development Committee and Council, with Council being responsible for approving the Budget, Capital Programme and Treasury Management Strategy.

6.6. The Council runs Member inductions training for newly elected members and also has a member training plan to provide ongoing training support for members.



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Approval and Adoption of New Local Plan (April 2019)**

Report Author(s): **Jamie Carr (Planning Policy Team Leader)**

Purpose of Report:	<p>The purpose of this report is to highlight to Members that the Borough Council has received the Final Report from the Planning Inspectorate relating to the Examination of the Borough of Oadby and Wigston Local Plan (2011-2031).</p> <p>The Inspector has concluded that with the modifications discussed and agreed at the Examination Hearings and subsequently consulted upon, the Borough of Oadby and Wigston Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.</p> <p>With Members' approval, the Local Plan can now therefore be formally adopted by the Council.</p>
Report Summary:	<p>The Borough of Oadby and Wigston Local Plan is the overarching policy document for the authority area and sets out the vision and framework for future development for the Plan period 2011 to 2031. Once adopted, the new Local Plan will supersede the Council's Core Strategy Development Plan Document and the Town Centres Area Action Plan Development Plan Document, as well as the Saved Local Plan.</p>
Recommendation(s):	<p>That the Borough of Oadby and Wigston Local Plan (as set out at Appendix 1 to this report) and its accompanying Adopted Policies Map (attached at Appendix 2 to this report) be approved and adopted.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Jamie Carr (Planning Policy Team Leader) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2)</p>
Vision and Values:	<p>"A Strong Borough Together" (Vision) Innovation (V4) Customer Focus (V5)</p>
Report Implications:-	

Legal:	An up-to-date Local Plan helps to ensure effective and appropriate planning decisions are taken.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Economy/Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Duty to Cooperate Partners Specific Consultation Bodies General Consultation Bodies; and Other stakeholders held on the Local Plan consultation database
Background Papers:	The background to the Final Report is set out within the Appendices.
Appendices:	<ol style="list-style-type: none"> 1. The Borough of Oadby and Wigston Local Plan (2011-2031) 2. The Borough of Oadby and Wigston Local Plan Adopted Policies Map (April 2019) 3. Local Plan Initial EA Screening Assessment (January 2018)

1. Background

- 1.1 At the beginning of 2015, the Planning Policy team began the lengthy demanding process of producing a new Local Plan (Plan).
- 1.2 In total, the Council has undertaken three public consultation events for the Plan, firstly relating to a Key Issues and Challenges document during the winter of 2015, secondly relating to a Preferred Options document during winter 2016, and finally, a Pre-Submission document during winter 2017.
- 1.3 Following the submission of the Plan to the Secretary of State in January 2018, the Plan was subject to Examination by an independent Planning Inspector at Hearing Sessions held in April, May and June 2018, who then, following on from a period of public consultation on the Schedule of Proposed Main Modifications in winter 2018, issued their Final Report to the Council on Monday, 25 March 2019.
- 1.4 The Report concludes that, subject to the incorporation of the Main Modifications, the new Plan is sound, legally compliant and capable of adoption by the Council.
- 1.5 In addition to producing the Plan itself, a fundamental element of the Plan's production was the evidence base that supports it. The supporting evidence base was wide ranging and

dealt with a plethora of planning related issues, both cross boundary and those isolated to the Borough.

- 1.6 Cross boundary issues included; housing market area wide housing and employment need; affordability; highway capacity and transport infrastructure requirements; green wedges; population migration flows; healthcare and education; and, flood risk.
- 1.7 The more localised issues included; local housing and employment need; traffic, congestion and highway improvements; protection and provision of open spaces; preservation and enhancement of heritage assets; delivering retail in the town, district and local centres; and, the provision of affordable housing and community facilities.

2. Borough of Oadby and Wigston Local Plan (2011-2031)

- 2.1 Upon the adoption of the new Plan, it will replace the Saved Borough of Oadby and Wigston Local Plan (1999), the Borough of Oadby and Wigston Core Strategy (2010) and the Oadby and Wigston Town Centres Area Action Plan (2013).
- 2.2 Over the Plan period, 2011 to 2031, the spatial strategy within the Plan seeks to deliver at least 2,960 new homes; at least 8 hectares of new employment land; and, up to 2,974 square metres of new additional retail floorspace. To ensure that these levels of growth are fulfilled, the Local Plan identifies and allocates sufficient land within the most appropriate and sustainable locations, to meet all of these identified needs.
- 2.3 Further to the spatial strategy, the Local Plan sets out a number of other strategic and development management style policies that seek to fulfil the Vision and Spatial Objectives of the Council. These include;
 - policies that conserve and enhance the Borough's historic and heritage assets;
 - policies that protect and enhance the Borough's two green wedges as well as the important countryside areas;
 - policies that protect and enhance the more formal open space areas, such as the urban parks; and,
 - policies that seek to improve residents health and wellbeing as well as the design of all new development.
 - Policies that ensure residential conversions comply with the Nationally Described Space Standards.
- 2.4 The Planning Inspector proposed a number of Main Modifications in their Final Report, that can be summarised as follows:
 - Commitment to a full or partial review of the Local Plan should monitoring identify significant or persistent shortfalls in delivery that deviates significantly from the Local Plan strategy; for example, if another Housing Market Area authority cannot meet its own needs; or, should the post-2031 development strategy set out in the Strategic Growth Plan be capable of coming forward earlier;
 - Commitment to release Phase 3 of the Wigston Direction for Growth Area should delivery of other identified or allocated sites be slower than expected or if the Council is unable to demonstrate a five-year supply of housing land;
 - Support small scale sustainable development in Kilby Bridge Settlement Envelope with immediate effect;
 - Include realistic windfall allowances in housing supply calculations;
 - Modifications to wording of heritage related policies to ensure consistency with national policy;
 - Support self-build / custom-build residential developments on all sites;
 - Permit necessary development associated with suitable uses in Green Wedge

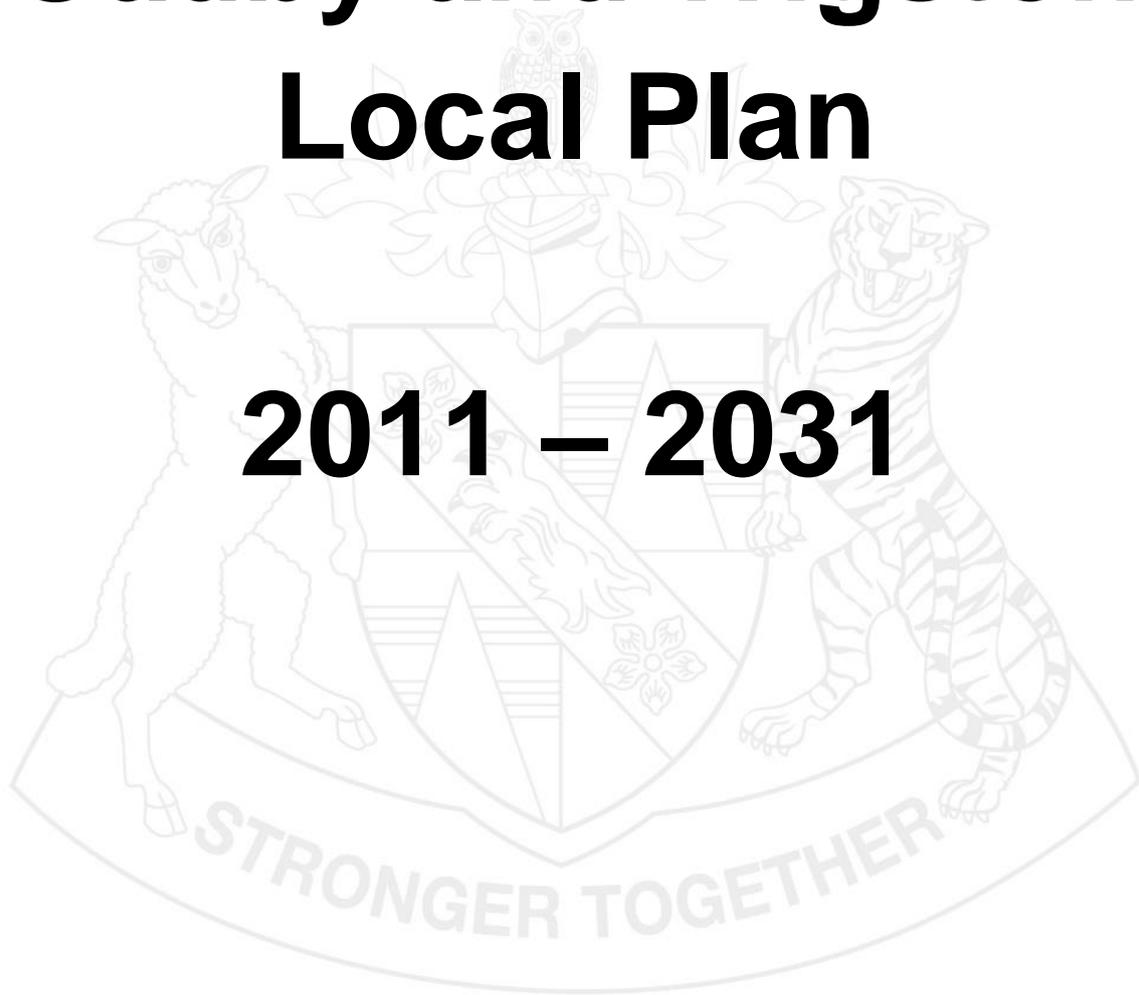
designations; and

- Extend the Oadby and Wigston Green Wedge to ensure that the settlement of Wigston and Oadby remain separated by green, undeveloped open space.

2.5 Taking account of the above, the appended Borough of Oadby and Wigston Local Plan (2011-2031) and the Adopted Policies Map represent the most up to date position in relation to the relevant National and Local planning policy, and therefore, these documents are being submitted to Members with the recommendation for them to be adopted and brought into operation with immediate effect.

The Borough of Oadby and Wigston Local Plan

2011 – 2031



Adopted April 2019



Contents

Chapter One – Introduction	3
Chapter Two – Spatial Portrait	9
Chapter Three – Vision and Spatial Objectives	17
Chapter Four – Sustainable Places	22
Policy 1 – Presumption in Favour of Sustainable Development	22
Policy 2 – Spatial Strategy for Development within the Borough	23
Policy 3 – Regeneration Schemes and Large Scale Change	34
Chapter Five – Cohesive Communities	36
Policy 4 – Creating a Skilled Workforce	36
Policy 5 – Improving Health and Wellbeing	38
Policy 6 – High Quality Design and Materials	40
Policy 7 – Community Facilities	43
Policy 8 – Green Infrastructure	45
Policy 9 – Open Space, Sport and Recreation Facilities	49
Policy 10 – Public Realm	52
Chapter Six – Housing Delivery	55
Policy 11 – Housing Choices	55
Policy 12 – Housing Density	57
Policy 13 – Affordable Housing	59
Policy 14 – Self Build and Custom Build	61
Policy 15 – Urban Infill Development	62
Policy 16 – Gypsies, Travellers and Travelling Showpeople	63
Chapter Seven – Allocations and Regeneration Opportunity Areas	65
Policy 17 – Kilby Bridge Settlement Envelope	65
Policy 18 – Stoughton Grange Direction for Growth Allocation and Oadby Cemetery Allocation	67
Policy 19 – Oadby Sewage Treatment Works	71
Policy 20 – Wigston Direction for Growth Allocation	72
Policy 21 – Cottage Farm Direction for Growth Allocation	76
Chapter Eight – Economic Prosperity	79
Policy 22 – Delivering Retail	80
Policy 23 – Retail Hierarchy	84
Policy 24 – Local Impact Threshold	86

Policy 25 – Protecting Identified Employment Areas	91
Policy 26 – Sustainable Transport and Initiatives	93
Chapter Nine – Town and District Centre Development	96
Policy 27 – Primary Shopping Frontages	98
Policy 28 – Secondary Shopping Frontages	100
Policy 29 – Town and District Centre Boundaries	101
Policy 30 – Other Areas within the Town and District Centre Boundary but beyond the Primary and Secondary Frontages	102
Policy 31 – Use of Upper Floors within the Centres of Wigston, Oadby and South Wigston	103
Policy 32 – Shop Fronts	104
Policy 33 – Security Shutters	106
Policy 34 – Car Parking	107
Policy 35 – Taxis	109
Policy 36 – Hot Food Takeaways	110
Chapter Ten – Protected Places	111
Policy 37 – Biodiversity and Geodiversity	111
Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy	113
Policy 39 – Sustainable Drainage and Surface Water	117
Policy 40 – Culture and Historic Environment Assets	119
Policy 41 – Development in Conservation Areas	121
Policy 42 – Green Wedges	124
Policy 43 – Countryside	126
Policy 44 – Landscape and Character	128
Policy 45 – Local Green Space	129
Chapter Eleven – Delivery Plan	130
Policy 46 – Infrastructure and Developer Contributions	130
Chapter Twelve – Monitoring Framework	133
Appendix 1 – Glossary	
Appendix 2 – Technical Housing Standards	
Appendix 3 – Schedule of Locally Listed Buildings	

Chapter One – Introduction

1. Strategic Context

- 1.1.1 The Borough of Oadby and Wigston is a relatively small, compact and urbanised Borough that shares its boundaries with Leicester City, Blaby District and Harborough District. The entire urban area of the Borough sits within the area known as the Leicester Principal Urban Area (PUA). The Leicester PUA is defined as the built up area that is centred on Leicester. With the Borough area also being directly adjacent to the City of Leicester, the two share a strong spatial relationship, despite the differences in size and population.
- 1.1.2 Looking wider than the Leicester PUA, the Borough is part of a collection of local planning authorities (LPA's) that make up Leicester and Leicestershire. The LPA's situated within Leicester and Leicestershire are, Leicester City Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Blaby District Council, Melton Borough Council, North West Leicestershire District Council and ourselves, Oadby and Wigston Borough Council. Leicester City Council is the only unitary authority situated within Leicester and Leicestershire area; with Leicestershire County Council taking control of the functions that the other Borough and District areas do not, for example highways and education.
- 1.1.3 The Leicester and Leicestershire area also comprises the Leicester and Leicestershire Housing Market Area (HMA). The Leicester and Leicestershire HMA authorities work together on a number of different strategies, partnerships, evidence base documents and processes and regularly meet under the Duty to Cooperate. Close joint working between the Leicester and Leicestershire HMA authorities ensures that there is a fully 'joined up' partnership approach to tackling issues affecting each local authority as well as the wider HMA; for example transport and highway assessment evidence, housing and economic needs assessments, and strategic employment distribution.
- 1.1.4 Currently the Leicester and Leicestershire HMA authorities, Leicestershire County Council and the Leicester and Leicestershire Enterprise Partnership (LLEP) are producing a (non statutory) Strategic Growth Plan that will act as the strategic planning framework for the Leicester and Leicestershire Housing Market Area, up to 2050.
- 1.1.5 In addition to the wider HMA working mentioned above, the Council also works closely with both Leicester City Council and Harborough District Council due to the cross boundary green swathes of land that are defined and designated as green wedges. Green wedges play a vital role strategically by providing 'green lungs' out from the City of Leicester into the open countryside of the surrounding district and borough Council areas.

National Policy and Guidance (and Local Plan)

National Planning Policy Framework and National Planning Practice Guidance

- 1.2.1 The National Planning Policy Framework (NPPF) was formally introduced by national government on the 27th March 2012 with the primary focus of delivering sustainable development. The NPPF sets out the government's planning policies for England and replaced numerous Planning Policy Statements and Planning Policy Guidance notes. The NPPF is a material consideration in determining planning applications and must be taken into account in the preparation of Local and Neighbourhood Plans. The NPPF is supplemented by national guidance in the form of the National Planning Practice Guidance (PPG).
- 1.2.2 The PPG was first launched during March 2014 and is a fluid document that is updated on an ongoing basis by national government when changes are required. The PPG is broken down into a number of different guidance categories (48 currently) that relate to certain aspects and / or policies set out in the NPPF, for example the Duty to Cooperate, Planning Obligations and Housing and Economic Development Needs Assessments.

Local Plans

- 1.2.3 The government's NPPF states that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Government also suggests that Local Plans should be consistent with the principles and policies set out within the NPPF, including the presumption in favour of sustainable development.
- 1.2.4 Local Plans are aspirational, yet realistic documents that set out the vision and framework for future development within a local planning authority area, and address needs and opportunities (for example) relating to housing, the economy, the environment, community facilities, local infrastructure, climate change and good design. The government also suggests they are critical tools for guiding decisions about individual development proposals as they (combined with Neighbourhood Plans) are the starting point for considering whether applications for development are appropriate and sustainable and can be approved.
- 1.2.5 The Oadby and Wigston Borough Council Local Plan is the overarching policy document for the authority area and sets out the vision and framework for future development for the Plan period 2011 to 2031. The Local Plan supersedes the Council's Core Strategy Development Plan Document and the Town Centres Area Action Plan Development Plan Document, as well as the Saved Local Plan.
- 1.2.6 This Local Plan covers the period to 2031 in order to align with the Strategic Growth Plan and to enable effective cooperative working with other local planning authorities in the Leicester and Leicestershire HMA over Plan periods.

Local Context and Corporate Priorities

- 1.3.1 Although located in Leicestershire, it is important for the Borough of Oadby and Wigston to recognise the strong spatial relationship it shares with Leicester City, given that the Borough is located immediately adjacent to the City and located predominately within the Leicester PUA.
- 1.3.2 The Council is also aware of the importance to recognise the spatial relationships that are in place with the other neighbouring authorities and service delivery partners, so that it can continue to deliver high quality and tangible outcomes, for example, the delivery of strategic housing options.

Corporate Priorities

- 1.3.3 The Borough Council has five Corporate Priorities that were agreed by Members in November 2016.
- 1.3.4 The five Corporate Priorities for the Borough are:

We will deliver;

An inclusive and engaged Borough – the Council will work with existing forums and will forge new relationships in order to strengthen community engagement and cohesion throughout the Borough. The Council will also listen to and empower residents by communicating, consulting and where possible offering a choice on decisions which would affect frontline services.

Effective service provision – the Council will continue to examine services and identify improvements in order to provide the most cost effective frontline services. Through innovation, the Council will strive for optimum use of its asset's, its human resources and those of its partners in order to protect frontline services.

Balanced economic development – the Council will develop, implement and create opportunities for balanced economic development that is primarily focused around the three centres (of Oadby, Wigston and South Wigston) whilst respecting the Borough's natural environment. The Council will also seek to provide suitable housing that meets local needs.

Green and safe places – the Council will invest in and encourage activities that provide green, pleasant and safe places in the Borough for everyone to enjoy. The Council will seek to protect the Borough's trees and natural habitat wherever possible.

Wellbeing for all – the Council will work with other organisations to improve wellbeing for all within the Borough. The Council will help secure new easy access to opportunities to enable everybody within the Borough to live a harmonious and healthy life.

Duty to Cooperate

- 1.4.1 The Duty to Cooperate was coined in the Localism Act 2011. It places a legal duty on local planning authorities, county council's and public bodies to engage constructively, actively and on an ongoing basis to address strategic issues in their areas.
- 1.4.2 The duty requires on-going constructive and active engagement throughout the preparation of local plans and other activities relating to sustainable development and use of land, in particular in connection with strategic cross boundary matters.
- 1.4.3 The NPPF suggests that joint working on planning issues that cross administrative boundaries should be undertaken diligently for the mutual benefit of neighbouring authorities, and that LPAs should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in Local Plans. LPAs are encouraged to take account of different geographic areas, including travel to work areas, and county and district authorities should cooperate with each other on relevant issues.
- 1.4.4 The PPG suggests that local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. The PPG also suggests that local planning authorities need to satisfy themselves about whether they have complied with the duty and as part of their consideration, they will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.
- 1.4.5 To ensure that the Council has meet the Duty to Cooperate, it has actively and constructively engaged with, and continues to engage, actively and constructively with neighbouring local planning authorities, specific consultees and other public bodies in the preparation of this Local Plan, in accordance with the regulatory requirements and the approach set out in the NPPF.
- 1.4.6 The Council has also been working collaboratively with all other local authorities within Leicester and Leicestershire on the preparation of a Strategic Growth Plan and Memorandum of Understanding as well as the production of evidence, such as the HEDNA. Further information regarding how the Council has cooperated under the Duty can be found in the Council's Duty to Cooperate Statement.

The Leicester and Leicestershire Statement of Cooperation and Strategic Growth Plan

- 1.5.1 The eight local authorities in Leicester and Leicestershire together with Leicestershire County Council and the Leicester & Leicestershire Local Enterprise Partnership (LLEP) are preparing a Strategic Growth Plan that sets out the aspirations for delivering growth in the Leicester and Leicestershire HMA. It will set out, in broad terms, the amount and location of future growth (housing, economic, infrastructure) the Leicester and Leicestershire HMA will be expecting to accommodate until 2050.
- 1.5.2 Although the Strategic Growth Plan deals with the time period up to 2050, it treats the period's pre 2031 and post 2031 very differently. Pre 2031, the housing and employment Objectively Assessed Needs for the Leicester and Leicestershire HMA, set out within the HEDNA, will be delivered through each of the local authorities individual Local Plan's. The Strategic Growth Plan therefore focuses on the period post 2031, for which it identifies a 'notional housing need'. It recognises that for this period there are no reliable estimates of population growth or household change, thus it estimates future housing needs by projecting forwards the annual figures set out within the HEDNA.
- 1.5.3 To ensure that the Leicester and Leicestershire HMA housing and employment OAN is fulfilled up to 2031, a Statement of Cooperation and subsequent Memorandum of Understanding will be produced and signed by each local authority within the Leicester and Leicestershire HMA. These will set out how the Leicester and Leicestershire HMA employment and housing OAN will be delivered; including how any unmet need within individual local authorities will be dealt with.
- 1.5.4 Post 2031, the strategy set out in the Strategic Growth Plan, for this period, will come into effect. One of the key elements to this strategy is the delivery of a vehicular expressway to the south and east of Leicester that links the M1 motorway with the A6, the A47 and the A46. This also reflects the proposal that has been put forward in the Midlands Connect Strategy. When this route is in place, it will significantly improve access to the motorway network, unlock new land for development and reduce the high levels of traffic and congestion that are apparent within the City of Leicester and the surrounding local authority areas including the Borough of Oadby and Wigston.
- 1.5.5 It should be noted that currently there is insufficient certainty surrounding the delivery of the new expressway for it to be a consideration in this plan, particularly because the delivery of the notional housing need (as identified in the Strategic Growth Plan) in the Borough is wholly dependent upon the expressway being in place. Transport evidence supporting this plan indicates that without the new expressway there is extremely limited highway capacity to bring forward levels of development above that proposed in this plan. The Council has committed to a review of this Local Plan within 5 years of the date of its adoption by which time proposals for the new expressway are likely to be at a more advanced stage and therefore its effects within the Borough a consideration in the new plan.

Sustainability Appraisal and Strategic Environmental Assessment Directive

- 1.6.1 Under the Planning and Compulsory Purchase Act 2004, Local Plans must undergo a Sustainability Appraisal (SA) which involves the identification and evaluation of the Local Plan impacts on the three elements of sustainable development; those being the economic, social and environmental impacts. The PPG advises that an integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) process can be undertaken, whereby the SA process incorporates the requirements of European Law on the environmental assessment of plans, referred to as the SEA Directive (European Directive 2001/42/EC).
- 1.6.2 The main purpose of an SA is to ensure the Local Plan promotes sustainable development through better integration of sustainability considerations. It can be used to highlight potential problem areas where a draft plan may not contribute to sustainable development as it should. By identifying potential issues at an early stage of Plan preparation, they can be resolved to ensure the Plan is as sustainable as possible at adoption.
- 1.6.3 When preparing its Local Plan, the Council is required by law to carry out a Habitats Regulations Assessment (HRA). The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007, and updated in both 2010 and 2012.
- 1.6.4 The overall purpose of HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the site in question. The HRA refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Community Importance (SCIs) and Ramsar sites.

Chapter Two – Spatial Portrait

- 2.1.1 In order to plan for the future of the Borough and its residents, it is fundamental to understand how the Borough is today, and the issues, challenges and opportunities that it has.
- 2.1.2 This Spatial Portrait provides a broad overview or ‘snapshot’ of the physical characteristics of the Borough as well as the current social, economic and environmental conditions that exist in the Borough. It highlights the summary of the key issues and challenges that the Local Plan will address. These provide the foundation from which the Vision and Spatial Objectives are built. These are set out later in this document.

Physical Characteristics

- 2.2.1 The Borough of Oadby and Wigston is a relatively compact highly urbanised Borough (approximately 2,400 hectares in size) that lies directly adjacent to and shares boundaries with the City of Leicester. It also shares boundaries with Harborough District and Blaby District. The urban areas of the Borough fall entirely within the Leicester PUA resulting in a strong spatial relationship with Leicester City despite the differences in size and population. The Borough plays an important role in providing residents of the Leicester PUA with a link to the countryside due to its position, ‘sandwiched’ between the City and the countryside beyond.
- 2.2.2 For many years, the Borough has consisted of three main settlements (Oadby, Wigston and South Wigston). Oadby, a large village by the 1860s, established itself around agriculture. It expanded rapidly in the early 1900s as wealthy Leicester City business people built large family houses immediately to the east of the village. These houses still remain as fine examples of the Arts and Crafts movement, although many are now in the ownership of the University of Leicester which established its Oadby Campus after the Second World War.
- 2.2.3 Wigston, originally two settlements, was amalgamated into Wigston Magna in 1529. The two settlements were linked by a series of ‘Lanes’ which still remain. The canal and railway brought further growth to what had been a predominantly agricultural community, resulting in further development to meet industrial and housing needs. This continued after the Second World War with numerous housing estates rapidly extending the size of the town.
- 2.2.4 South Wigston, a new town developed in the mid to late 1800s (by Orson Wright the owner of large brickworks) followed the tradition of ‘model’ towns by Victorian philanthropists. Unlike other ‘model’ towns of the time, it was not just intended to house workers of the brickyard though. Other commercial premises, particularly associated with the clothing industry were established right from the start. The railway was fundamental to this development. The Victorian barracks, now used as the Territorial Army Headquarters, predated this growth. The current mature trees, open space and road layout to the north of the barracks date from the 19th century Glen Parva Grange Estate. This history is still very much evident today.

Social Characteristics

The Community - Population and Demographics

- 2.3.1 According to the Office for National Statistics (ONS), it is estimated that the total resident population of the Borough is 55,900. Of this total, 27,100 were males and 28,900 females (2014-based SNPP). *figures do not total correctly due to rounding.
- 2.3.2 ONS statistics also suggest that the Borough has a higher than average population percentage over the age of 74 years old. Figures show that the Borough's 10.7 per cent (over the age of 74 years old) is the highest of all the Leicester and Leicestershire local authority areas and is over 2 per cent higher than the East Midlands average (8.3 per cent) and the England average (8.1 per cent).
- 2.3.3 The ethnic and cultural composition of the Borough is diverse. The overall Black and Minority Ethnic (BME) population (i.e. residents in categories other than White British) is 28.4 per cent (16,536 people). This figure is almost triple the Leicestershire County average of 11.07 per cent and approximately double the East Midlands regional figure of 14.6 per cent (Census 2011).

Housing and the Economy

- 2.3.4 As mentioned above, the Borough area has three distinct settlement areas, Oadby, Wigston and South Wigston. Each of the three settlement areas have very different perceived levels of affluence (in this instance represented by indicative new build house prices 2016) as well as levels of social deprivation (in this instance represented by Indices of Multiple Deprivation 2015 (IMD) ranking).
- 2.3.5 As a whole, the Borough is ranked 249th out of 354, (where 1 is the most deprived) by the Indices of Deprivation 2015. The Borough has gained 2 places from its 2010 ranking of 247th. The indices also measure deprivation for each Lower Layer Super Output Area (LSOA) in England (32,844 areas). On a settlement basis, South Wigston has the highest levels of social deprivation, Wigston has lower levels than South Wigston, and Oadby has the lowest. In terms of IMD ranking (1 being the most deprived) South Wigston has the lowest ranked LSOA (6,661) in the Borough area and Oadby has the highest ranked LSOA (31,902).
- 2.3.6 Using average indicative new build house prices, Oadby is perceived as the most affluent area within the Borough. Average indicative new build house prices range from £160,000 to £670,000. Wigston is somewhere in the middle regarding affluence with average indicative new build house prices ranging from £133,000 to £303,000, and South Wigston is perceived as being the least affluent with average new build house prices ranging between £129,000 and £280,000.
- 2.3.7 2011 Census data shows that the average household size within the Borough is 2.63 persons per household. The average household size within the Borough increased markedly in the 10 years since 2001, where it was 2.45 persons per household. In general the Oadby area has the highest average number of persons per household, with some wards illustrating 3.7 persons per household.

- 2.3.8 The most up to date Housing and Economic Development Needs Assessment (HEDNA) illustrates an Objectively Assessed Housing Need for the Borough of 148 new homes per annum up to 2031. This OAN figure includes the need for affordable housing.
- 2.3.9 According to NOMIS data, the Borough currently has an unemployment percentage of 3.5 per cent. When compared to the East Midlands percentage of 4.3 per cent and the Great Britain percentage of 4.8 per cent, the Borough is fairing relatively well in regards to levels of unemployment. In terms of employment occupation, the Borough has lower than average Managerial and Professional employment levels, however much higher levels of people in Administrative and Skilled trades employment.
- 2.3.10 The Borough has a number of identified employment areas. These are areas of land designated for uses defined as employment by the Use Classes Order. Some of the units on the identified employment areas lack the quality and flexibility required by modern industry. In addition the environment, general layout and accessibility is poor. Whilst there is relatively low turnover of businesses, there is a lack of interest in the units that do become available for new employment uses. This is largely due to the quality of units and the identified employment areas having poor accessibility to the larger trunk roads such as the M1 and M69 compared to other nearby districts. The HEDNA identifies an employment land OAN of 1 hectare of B1a/b and 4 hectares of small scale B8 between 2011 and 2031.
- 2.3.11 One of the major land users, employers and catalysts (in Oadby) for inward investment in the Leicester PUA, as well as within Oadby itself, is the University of Leicester. The University has had a presence in the Borough for over 50 years and over this time has expanded its facilities which now provide student accommodation, conferencing and sports facilities. The presence of the Campus contributes to the local economy by increasing the use of the facilities and services in Oadby district centre, and the sports facilities are used and enjoyed by local clubs and groups. The University has plans to continue improving and expanding its facilities and replacing outdated accommodation.
- 2.3.12 Tourism in the Borough plays a small yet important role in the local economy in relation to the centres of Wigston, Oadby, South Wigston and the settlement of Kilby Bridge, as well as large areas of green space including Brocks Hill Visitors Centre and Country Park, Leicester Racecourse, Glen Gorse Golf Course and Oadby Grange Country Park.

The Centres of Wigston, Oadby and South Wigston

- 2.3.13 Wigston is the Borough's main town centre and contains the largest variety of shops, services and facilities. The town is centred on the fully pedestrianised Bell Street, The Arcade and Leicester Road. Bull Head Street provides the town with a bypass and there are a number of Council owned public car parks around the town, all of which promote free shoppers parking. Wigston is the only 'town' centre within the Borough and one of only a small number of town centres within the Leicester PUA. Wigston therefore fulfils an important town centre function for residents living in the southern areas of the Leicester PUA.
- 2.3.14 Oadby is a large district centre with a smaller, but nevertheless good range of shops, services and facilities which are mostly located along The Parade. Council owned public car parking is situated to the east and west of The Parade and is easily accessed from the north and south of the centre. Oadby is particularly influenced by the presence of three out of centre supermarkets situated along the A6.

- 2.3.15 South Wigston is a medium to small sized district centre extending almost the entire length of Blaby Road. This results in a stretched linear centre. Many of the properties and retail units clearly date back to the origins of the settlement. A large out of centre supermarket is located opposite Blaby Road Park at the eastern end of Blaby Road. The South Leicestershire College building, built in 2010, is also adjacent to the park.
- 2.3.16 Each of these centres are of equal importance to many local people. There is a tendency with the residents of Wigston, Oadby and South Wigston, not to travel out of 'their' settlement to access other shops, services and facilities that are available within the Borough. This leads to each of the centres providing a similar range of opportunities, albeit at a different scale. This arrangement is a result of the way in which the three settlements have evolved and a perception that if needs are not met by the nearest centre it is unlikely that the other centres in the Borough will meet the needs either. It is also a result of the limited public transport services that operate between the three centres, in comparison to the established links to the City of Leicester.
- 2.3.17 The centres, particularly Wigston, are not only influenced by their proximity to each other, but their proximity to Leicester City Centre and the Fosse Shopping Park in Blaby District. Both of these offer large amounts of retail floorspace and attract national retailers. Leicester City Centre offers a wide range of services and facilities. Nevertheless, the Borough's centres are valued by the Borough's residents. However, historically they have suffered from a lack of investment, particularly in relation to their public realm, quality of design and in terms of making the best use of sites within their spatial setting. Recently, the Council received EU funding to improve the public realm along The Parade in Oadby and Bell Street in Wigston. Both schemes were positively received by all and have improved the immediate built environment exponentially, as well as adding to the centres vitality and viability.

Transport

- 2.3.18 The Borough is crossed by three main transport routes that serve the City of Leicester; the A6, the A5199 and the B5366. The B582 serves as the only transport route linking the settlements of Oadby and Wigston and one of only two routes linking Wigston with South Wigston, the other being B5418. The A563 links the very northern parts of Wigston and Oadby with Leicester City and provides a form of access to the M1 and M69 motorways. In general the Borough's access to main arterial routes such as the M1, A14 and the A47 is poor. Due to this poor access to main arterial routes and the fact that the three routes into Leicester City from the south pass through the Borough, the Borough's roads suffer from significant congestion, particularly at peak times.
- 2.3.19 Significant congestion is apparent at many of the junctions within the Borough, as well as along its routes. At peak times, traffic flows along a number of the main routes within the Borough are significantly hampered by congestion. Prior to the delivery of the key elements of the Strategic Growth Plan post 2031, the Borough Council will work closely with neighbouring local authorities as well as the County Council (as the highway authority) to ensure development, not only within the Borough, but outside of the Borough, is situated as to have least impact on the existing highway network.
- 2.3.20 Public transport links within the Borough are in general poor also, with limited bus services operating between South Wigston, Oadby and Wigston, Parklands Leisure Centre, Brocks Hill Visitor Centre and Country Park and the Borough's town and district centres. The public

transport links, however, into Leicester City from the town and district centres are relatively frequent.

- 2.3.21 The Borough has access to the Leicester to Birmingham railway line via South Wigston Station. This mode of transport also provides a regular service to Leicester and onward to Nottingham and the north, as well as Nuneaton and Birmingham to the south west. Passengers can also change at Leicester to access the Midland Mainline to London.

Environmental Characteristics (including heritage assets)

- 2.4.1 Attractive, safe and accessible parks and green spaces contribute positively to social, economic and environmental benefits and promote sustainable communities.
- 2.4.2 The Borough has good access to the green open spaces and the open countryside via the Brocks Hill Country Park, the Green Wedge between Oadby and Wigston, the Green Wedge adjacent to the north east of Oadby, various other parks and open spaces, the River Sence, and the Grand Union Canal.
- 2.4.3 There are other areas which contribute to the Borough's Green Infrastructure also; such as Fludes Lane Woodland, Oadby Grange Country Park, Leicester Racecourse and Glen Gorse Golf Course. Furthermore, the Limedelves and part of the Grand Union Canal between Kilby and Foxton is classified as a Site of Special Scientific Interest, in part, a Regionally Important Geological Site, and a Local Wildlife Site. Although predominately urban, the Borough does have a good level of tree cover along a number of its streets / roads, for example Saffron Road in South Wigston.
- 2.4.4 There are 319 allotment plots (295 council and 24 privately owned) in the Borough which also play an important role in contributing to the natural environment and in promoting healthy lifestyles. The current demand for allotment plots is relatively low.
- 2.4.5 In total, there are 10 Conservation Areas which are influential in maintaining the townscape and landscape of the Borough. Nine of these were designated by Oadby and Wigston Borough Council and benefit from individual Conservation Area Appraisals and a Conservation Area Supplementary Planning Document. The other area, the Grand Union Canal Conservation Area was designated by Leicestershire County Council. Each of the Conservation Areas are extremely important and are designated due to their special architectural and / or historic interest. Each Conservation Area contributes to the Borough's varied and distinctive landscape character. It is imperative that these areas are conserved and enhanced for future populations to enjoy. In addition to the 10 Conservation Areas, there are currently 37 listings of Listed Buildings and Structures situated in the Borough. There are currently no identified Buildings at Risk. There are a number of parks within the Borough that are home to equipped children's play and sports facilities, such as football and cricket pitches.
- 2.4.6 In addition to the above, there are areas of archaeological importance, as well as a number of non designated heritage assets, for example locally listed buildings. Although not nationally designated, locally listed buildings are important to the local historic landscape and heritage of the Borough. The Borough Council recognises their importance locally and will seek to conserve and enhance these heritage assets. There are currently a number of locally listed buildings within the Borough, which are illustrated within Appendix 3 of this Plan.

Kilby Bridge

- 2.5.1 The settlement of Kilby Bridge is located approximately a 20 minute walk south from Wigston town centre and is part of the Grand Union Canal Conservation Area. The settlement is separated by the A5199, with built development either side. It is bounded to the north by the Leicester to London railway and to the south by the Grand Union Canal and River Sence (and the southern extent of the Borough boundary). Due to its proximity to both mentioned watercourses, parts of the settlement are liable to flooding.
- 2.5.2 The settlement consists of a small number of residential properties, small scale commercial and a public house. Due to its rural character, it is unique to the Borough and is an attractive and valuable asset. To the east of the settlement, is a Site of Special Scientific Interest, in part, a Regionally Important Geological Site, and a Local Wildlife Site.

Key Issues, Challenges and Opportunities

2.6.1 The current shape and characteristics of the Borough gives rise to a number of issues, challenges and opportunities, which are identified below:

Physical characteristics

- highly urbanised and compact
- location between Leicester City and the open countryside
- a number of historical areas and heritage assets
- significant number of mature trees and hedge lines

Population and demographics

- a higher than average number of older residents
- culturally diverse

Housing and the economy

- a need for housing, both market and affordable
- Objectively Assessed Need of 148 new homes per annum up to 2031
- Objectively Assessed Need for 1 hectare of B1a/b and 4 hectares of small scale B8 employment land up to 2031
- areas of relatively high deprivation
- distinct disparities in land values and perceived levels of affluence
- areas of high average household sizes
- low levels of unemployment
- large presence of the University of Leicester in Oadby
- areas of identified employment land in need of refurbishment
- relatively high levels of skilled trade employment

The centres of Wigston, Oadby and South Wigston

- Wigston as one of only a small number of 'town' centres within the Leicester PUA
- Council owned car parks
- free shoppers car parking
- proximity of South Leicestershire College in South Wigston
- proximity of Fosse Park retail park and Leicester City centre

Transport

- only one east - west route linking Wigston and Oadby and only two routes linking Wigston and South Wigston
- access to main arterial highway routes is poor
- the majority of Borough roads suffer from significant levels of congestions, particularly at peak times
- reasonable public transport links from each of the centres to Leicester City but very limited public transport links between the three centres
- rail station located in South Wigston on the Leicester to Birmingham rail route

Environmental

- protection and enhancement of the natural environment

- good access to green open spaces and the countryside
- a broad range of Green Infrastructure assets, including green wedges and water courses
- limited opportunities for the creation of new allotment plots
- a number of Listed Buildings, Conservation Areas and other heritage assets and their settings

Kilby Bridge

- the settlements location directly adjacent to the Grand Union Canal; potential for small scale tourism
- a need to protect Kilby Bridge's environmental and biodiversity qualities
- potential flooding issues
- the settlements location as a gateway into the Borough from the south

2.6.2 Taking account of government policy and guidance, the need for sustainable development, the need for high quality design and innovation, and the specific local issues, challenges and opportunities that have been identified, the Council has created a list of key focus areas that set the context for this Plan. These focus areas will then drive the vision and objectives of this Local Plan and ultimately the local planning policy contained within.

Key Focus Areas

1. **Provision of sufficient land to meet the housing and employment Objectively Assessed Need's identified within the HEDNA**
2. **Provision of house types and tenures and accommodation for all of the community**
3. **High quality and innovative design, whilst respecting local history, heritage, character and vernacular**
4. **Protection and enhancement of open and green spaces (including water assets)**
5. **Protection and enhancement of natural environment assets (including ancient woodland, veteran trees and habitat creation) and other green infrastructure assets**
6. **Provision of high quality employment areas, with good transport connections**
7. **Maintaining and improving the Borough's prosperous, diverse and dynamic economy**
8. **Development that is sustainable in terms of location, use and form**
9. **Development is not located in flood risk areas or contributes towards flood risk in other areas**
10. **Conserve and enhance areas of historical significance**
11. **Conserve and enhance heritage assets and their settings**
12. **The regeneration of the centres of Wigston, Oadby and South Wigston**
13. **Leicester University and its students as a key Borough asset**
14. **Maintaining low levels of unemployment**
15. **Improving the poor transport connections between each settlement as well as the wider highway network**
16. **Utilising the rural asset of Kilby Bridge settlement**

Chapter Three – Vision and Spatial Objectives

3.1.1 The Vision and Spatial Objectives form the very heart of the Local Plan and are built from the foundations laid out in the spatial portrait and the key focus areas in the previous chapter; they also take account of the Council's Corporate Priorities. The Vision provides an interpretation of how the Borough might look in 2031 given the influence of this Plan.

Vision

In 2031, the Borough of Oadby and Wigston will be a safe, clean, and attractive place in which to live, work and visit. The Borough and its assets will be accessible to all through sustainable modes of transport. It will have a resilient and prosperous economy, secure environment, vibrant centres and healthy empowered communities. The Borough will be continuing to promote sustainable economic growth, as well as making the best use of its natural and heritage assets.

Growth will contribute to people's health, happiness and well-being in the Borough through the timely delivery of well-designed and high quality development. High quality development will continue raising the level in terms of environmental standards, quality of life and local distinctiveness.

Residents in the Borough will have the opportunity to enjoy peaceful, harmonious, high quality and healthy active lifestyles in communities that offer a range of; quality new housing which meet local needs; job opportunities; and other important services and facilities.

Residents will be able to enjoy a variety of open landscapes including parks, sporting facilities and the open countryside with its elements of natural beauty and wealth of wildlife areas where biodiversity has been conserved and enhanced.

3.1.2 It is the role of the Local Plan to deliver the Vision and ensure that the right spatial planning policy is in place to do so. The Council's Vision can be broken down into four key areas of spatial focus:

Vibrant town centres.....

3.1.3 Wigston centre will play a key role as the main Town Centre and Oadby centre and South Wigston centre as District Centres. The relationship between these centres will be strengthened, particularly by working with public transport operators to improve public transport links.

3.1.4 The centres of Wigston, Oadby and South Wigston will be offering high quality facilities including retail, office, residential, and civic and leisure opportunities. The strong network of local centres will support the three main centres and will contribute to the overall sustainable mix of facilities throughout the Borough, reducing the need for local people to travel unsustainably.

3.1.5 Residents will be proud of the centres within the Borough and will use them to their fullest. The centres will be clean and safe and will have a high standard of architecture and use of materials in their public realm, built form and open spaces.

A prosperous economy.....

- 3.1.6 New employment opportunities will continue to exist in the Borough. The centres of Wigston and Oadby will be the key focus areas for office and retail employment based opportunities.
- 3.1.7 The Identified Employment Areas of the Borough will be the focus for industrial, storage and distribution use employment. The identified areas will offer accommodation for all types and sizes of appropriate businesses that are located close by to good public transport links and the main highway network. Identified areas will be encouraged to redevelop poor quality units that are not fit for purpose, as new innovative ways of working and thinking become typical.
- 3.1.8 The provision of a range of housing and educational opportunities throughout the Borough will provide employers with a skilled workforce. Fast, frequent and affordable public transport between the Borough and Leicester City and the Borough's centres will ensure that local residents enjoy the benefits of living so close to one of Britain's major cities.

Healthy empowered communities.....

- 3.1.9 Oadby, Wigston and South Wigston will be prosperous and healthy communities in their own right. Residents will have fair and equal access to all forms of services and facilities and will be part of a great community that supports one another. Residents will have good access to the network of high quality cultural, educational and health facilities, as well as high quality open spaces and the countryside areas. A diverse mix of housing types and tenures that are accessible to all will mean that all residents have a safe and secure home to live in.
- 3.1.10 Residents will be encouraged to utilise sustainable modes of transport as well as walking. Growth will be located in sustainable locations, and will integrate walking and cycling into its design proposals and schemes.

Safe, clean and attractive.....

- 3.1.11 Residents and visitors alike will feel safe on the streets and in their homes because design has been a key component in keeping crime and anti-social behaviour to a minimum. All new development will integrate measures to conserve energy, achieve sustainable energy generation, and minimise waste. All new development will be located as to minimise existing and future flood risk, taking account of the flooding sequential test.
- 3.1.12 All new development in the Borough will have the best standards of design, including the centres of Wigston, Oadby and South Wigston. Investment in the Borough's Green Infrastructure will lead to improved biodiversity and a stronger understanding within the local community about their role in the conservation of habitats and species and the links with the urban and natural environment. The quality of Conservation Areas and other heritage assets and their settings will also have benefitted from careful and positive management.
- 3.1.13 Local residents will benefit from increased opportunities to access the open countryside, the River Soar and the Grand Union Canal waterways, particularly in the vicinity of Crow Mills in South Wigston and Kilby Bridge, located south of Wigston. There will continue to be a good range of leisure and recreational facilities including parks, leisure centres, allotments, golf courses, and sports pitches.

The Spatial Objectives

3.2.1 In order to ensure that the Vision and strategy is effectively delivered, this Local Plan sets out a number of Spatial Objectives. The Spatial Objectives focus on the key issues and challenges that need to be addressed to fulfil the Vision. The objectives consist of a 'headline' and detail as to why each objective is a key issue locally.

Vibrant town centres.....

Spatial Objective 1: Regeneration of town and district centres

Masterplans and associated policies and land allocations will deliver regeneration, investment and growth in the centres of Wigston, Oadby and South Wigston. The centres will be a focus of growth due to their sustainable locations at the heart of their communities. They will be the key locations for retail, leisure, community facilities, office based employment and some residential development. New development will respect the unique character of each centre and ensure the provision of open areas of public space that residents and visitors can enjoy.

Spatial Objective 2: Wigston town centre

Reinforce Wigston's role as the Borough's main town and one of only a small number of town centres in the Leicester PUA. Building on the recent public realm regeneration works along Bell Street, continued regeneration of the town centre will encourage investment from national retailers as well as supporting the smaller independent retailers that provide a diverse and unique mix of retail outlets. The realisation of the adopted Local Development Order and objectives set out within the Town and District Centre Guidance document will also support this regeneration.

Spatial Objective 3: Oadby district centre

Reinforce the role that Oadby's centre plays within the Borough. Continue to encourage the mix of retailers that accommodate the main shopping streets, as well as the supplementary uses such as cafes, bars and restaurants. As well as the encouragement of local residents, a concerted effort will be made to encourage the use of the centre by the thousands of students that reside under a mile away in University of Leicester's Manor Road student campus.

Spatial Objective 4: South Wigston centre

Continue to promote regeneration opportunities within the district centre that build upon the significant investments made to Blaby Road Park, and the South Leicestershire College campus. Reinforce the role that South Wigston's centre plays within the Borough. The realisation of the adopted Local Development Order will also support this regeneration.

A prosperous economy.....

Spatial Objective 5: Improved employment opportunities

Areas identified within the Borough for industrial, storage and distribution employment will be protected from uncomplimentary or detrimental changes of use. Office based and retail based employment will be focused in the most sustainable locations. Such focuses will help to maintain the Borough's current low rates of unemployment by offering a variety of employment opportunities around the Borough that have good transport connections. Land will be allocated within the town centres, Identified Employment Areas and at the Wigston Direction for Growth for appropriate employment uses that meet the Borough's required need, as well as offering opportunities for

businesses to establish and grow. A mix of type and size of employment uses will be encouraged within each location identified, to achieve a better balance between the location of jobs and housing, which reduces the need to travel.

Spatial Objective 6: Accessible transport links

The use and development of sustainable transport, including travel planning, working from home, public transport, cycling and walking will be actively encouraged. Improve residents and employees access to fast, frequent and affordable public transport. The east / west public transport links between Oadby and Wigston and Wigston and South Wigston will be improved. In addition, the reliable public transport links between each of the Borough's main centres and the City of Leicester will be maintained and enhanced where possible to do so. Whilst encouraging the reduction of private car use, the highway network within the Borough will be improved to ensure as reliable and free flowing movement of vehicular traffic as possible.

Healthy empowered communities.....

Spatial Objective 7: Growth of the Leicester PUA

Establish a number of 'directions for growth', within Wigston and Oadby that are directly adjacent to the Leicester PUA, have appropriate access and do not have significant detrimental impacts on the current highway network. The 'directions for growth' will be located as to reinforce Wigston's main town centre role as well as realising Oadby centres role within the Borough. These growth areas will contribute towards meeting the Council's identified Objectively Assessed Needs.

Spatial Objective 8: A balanced housing market

A mix of housing opportunities will be provided to positively meet the housing needs of the local community, including private rented and affordable homes. A mix of type, tenure and affordability will be provided to ensure that all residents of the Borough have access to appropriate homes. The primary focus for new housing will be the three main centres, the rest of the urban area, as well as the allocated 'direction for growth' areas. Support will be given to proposals or schemes that realise these primary focus locations and the needs of the local community.

Spatial Objective 9: Healthy lifestyles

A wide range and mix of high quality cultural, educational and health facilities will be provided in the most appropriate and sustainable locations. Walking and cycling will be supported throughout the Borough and improved access to these travel methods will be required in large scale development schemes. The existing provision of publicly accessible open spaces and leisure and recreation facilities within the Borough will be conserved and enhanced. The Council will adopt a 'no net loss' strategy towards open spaces within the Borough.

Safe, clean and attractive.....

Spatial Objective 10: High quality and sustainable design

All new development within the Borough, whether it is new build or conversion, will be required to illustrate the highest standards of design and construction. Design will also be a key component in ensuring that streets are safe from crime and anti social behaviour and promote social inclusion and community cohesion. All development will be required to respect local history, character and vernacular, whilst incorporating measures to conserve energy, achieve sustainable energy generation and minimise waste. All development will be required to contribute towards; reducing

greenhouse gas emissions; reducing flood risk, both existing and future; and, achieving sustainable waste management.

Spatial Objective 11: Conserving and enhancing green (including water assets) infrastructure

All development should be respectful to the natural environment and landscape (including Local Green Spaces, ancient woodland and veteran trees), as well as conserving and enhancing the Borough's biodiversity. Both green and water assets will be protected, managed and enhanced. Due to the predominately urban nature of the Borough, enhancement of the landscape and biodiversity will consist of, for example the planting of trees and woodlands (where possible), and the creation of ponds and other natural habitats to improve species resilience to climate change. Provision of a network of multi-functional green spaces which secure a net gain in biodiversity will be sought.

Spatial Objective 12: Enhancing local heritage

To encourage the enhancement and conservation of historically significant buildings and heritage assets and their settings, archaeological sites, conservation areas, parks and other cultural assets providing opportunities for people to access and understand our local heritage. To conserve and enhance the Borough's heritage, respecting historic buildings and their settings, links and views.

Spatial Objective 13: Green Wedges and the Countryside

To protect and enhance the Green Wedges by limiting development to appropriate uses only, as well as safeguarding our other open spaces for sport and other forms of recreation. To encourage small scale development in the countryside that provides for employment, leisure and residential development essential to the needs of the more rural economy. To improve access for local people to the natural environment and key Green Infrastructure assets, so as to enhance the value of their leisure time.

Spatial Objective 14: Kilby Bridge regeneration

A settlement envelope will be created to set a development limit for the Borough's only rural settlement, Kilby Bridge. The settlement of Kilby Bridge, would benefit from small scale development, consisting of residential, commercial and tourism. Any development would need to conserve and enhance the Grand Union Canal Conservation Area and the other environmental and heritage assets.

Chapter Four – Sustainable Places

- 4.1.1 Within the NPPF, the government has clearly stated that the presumption in favour of sustainable development is the golden thread running through the planning system, both when plan making and decision taking. The government also states that the planning system should be genuinely plan led, and should empower the local people to shape their surroundings.
- 4.1.2 Pursuing sustainable development in the Borough involves seeking positive improvement in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- creating sustainable communities;
 - making it easier for jobs to be created in the Borough's main centres;
 - widening the choice of high quality homes;
 - replacing poor design with high quality design;
 - improving the conditions in which people live, work and travel;
 - improving access to leisure opportunities; and
 - achieving net gains for the natural environment.

Policy1 Presumption in Favour of Sustainable Development

All development proposals must take account of the broad aim of sustainable development; ensuring that development contributes positively towards ensuring a better quality of life for residents, now and for generations to come.

The Council will be positive when determining development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will jointly work with applicants where possible to ensure that development proposals improve the social, economic and environmental conditions in the Borough; meeting the challenges of climate change and protecting and enhancing the Borough's ecosystems.

For development to be deemed 'sustainable' within the context of this Plan, it must contribute towards delivering the Spatial Strategy, the Council's Vision and Objectives, and must be in conformity with the local planning policies contained within this Plan. Development that conflicts with policies of the Plan will be refused unless material considerations indicate otherwise.

Should there ever be a time when the Plan is deemed absent or silent or out of date, the Council will not look upon development proposals positively, where the proposal is deemed unsustainable, and / or the adverse impacts associated with the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the National Planning Policy Framework, when taken as a whole. Development will also be restricted if specific policies within the National Planning Policy Framework indicate that it should be.

Spatial Strategy for Development within the Borough

- 4.2.1 The spatial strategy for the Borough is derived from the Council's Vision and Spatial Objectives, which are underpinned by the spatial portrait for the Borough as well as the Council's Corporate Priorities.
- 4.2.2 The spatial strategy also takes account of the wider Leicester and Leicestershire Housing Market Area and the Leicester PUA, as well as the role that the Borough plays within both. The Borough's urban areas sit entirely within the Leicester PUA and the Borough plays a key role in supporting the regeneration of Leicester City, as do all of the other local authority areas within the Leicester and Leicestershire Housing Market Area. The Borough and Leicester City have a unique and close spatial relationship, particularly in regards of supporting the local economy, shaping strategic green infrastructure, and influencing how residents live out their day to day lives. This close relationship is something that the Borough is seeking to conserve and enhance where possible.
- 4.2.3 All new development should be Plan led and should fulfil the key principles of sustainable development.

Housing Growth

- 4.2.4 The Council's Objectively Assessed Need (OAN) for housing, of 2,960 for the period 2011 to 2031, is the starting point for the Council's Plan period target. The Council's OAN for housing is fully evidenced by the Leicester and Leicestershire Housing and Economic Development Needs Assessment. To get from this starting point, to a Plan period target, the Council has undertaken fundamental evidence base assessments that have illustrated that the Council's OAN is deliverable for the period 2011 to 2031.
- 4.2.5 As the Council is seeking to meet its Objectively Assessed Need in full, under the Duty to Cooperate it will not be reliant on any other local authority within the Leicester and Leicestershire Housing Market Area to help meet its own need. Although, the Council can meet its own need in full, it is aware that the City of Leicester has declared an unmet need and will need help from other HMA partners to deliver its unmet need up to 2031.
- 4.2.6 The spatial strategy makes provision for 2,960 new additional homes between 2011 and 2031.
- 4.2.7 The spatial strategy for housing growth allows sufficient flexibility to ensure that the Plan aligns with national policy and guidance, and allows for choice and competition within the Borough. The three Direction for Growth Allocations allocated within this Plan have upwards of 4 different developers, with further developers having interest in the smaller sites that have been allocated also. The Council would always seek to actively encourage the reuse of previously developed land, however is aware that prioritising this over sustainable growth areas would not be positive planning and would be at odds with national policy and guidance. The Council will take a three 'pronged' approach to providing the homes that the Borough needs. The three approaches are; allocating provision of new additional homes within the town centre of Wigston and the district centre of Oadby; allocating provision of new additional homes on smaller sites (11 to 99 new additional homes) that are within or directly adjacent to the Leicester PUA; and, allocating provision of new additional homes within the three Direction for Growth Allocations.

4.2.8 Table 1 illustrates the position as of 1st April 2017 regarding the housing delivery of the Plan period target. The table shows the number of net additional homes that have been built since 1st April 2011, the number of committed net additional homes and the number of net additional homes allocated in this Plan.

Table 1: Housing delivery for the Plan period

(A) Housing requirement for the Borough for the period 2011 to 2031	2,960
(B) New additional housing completions between 1 st April 2011 to 31 st March 2017	578
(C) New additional housing commitments as of 31 st March 2017	768
(D) Total new additional homes already complete or with extant planning permission as of 31 st March 2017 (B + C = D)	1,346
(E) Residual provision between 1st April 2017 and 31st March 2031	1,614
(F) New additional homes allocated on land within the town centre of Wigston and the district centre of Oadby	205
(G) New additional homes on allocated Direction for Growth Allocations	1,159
(H) New additional homes on smaller allocation sites (11-99 units)	244*
(I) New additional homes within the Kilby Bridge Settlement boundary	40
(J) New additional homes on windfall sites	70
(K) Total new additional homes provided between 1st April 2017 and 31st March 2031 (F + G + H + I + J = K)	1,718

*two sites providing 10 new additional homes have been included within the figure, however will not be allocated as they are both below the large site threshold of 11 +. The sites are contained within the Council's latest SHLAA and consist of one site of 8 new additional homes and one site of 2 new additional homes.

4.2.9 The Council will apply the Plan, Monitor, Manage approach to deliver this Plan's spatial strategy.

4.2.10 The number of new additional homes allocated within this Plan (not including the town and district centre allocations) stem from the Council's latest Strategic Housing Land Availability Assessment (SHLAA). The allocated new additional homes figure (F + G + H) consists of town and district centre allocations, 0 to 5 year SHLAA sites and Direction for Growth Allocations. It should be noted that although certain allocations stem from the SHLAA, this was merely the starting point. Further evidence was undertaken to ensure that the sites within the SHLAA are appropriate, deliverable and sustainable.

4.2.11 In addition to F, G and H illustrated in Table 1, there is an additional number of new homes that can be delivered up to the end of the Plan period to 2031. This additional number of new homes consists of new homes within the settlement boundary of Kilby Bridge (up to 40 new additional homes), Phase 3 of the Wigston Direction for Growth (at least 300 new additional homes), and new additional homes provided on Windfall sites (at least 70 new additional homes). The additional number of homes provided within the Kilby Bridge Settlement Boundary (up to 40) and on Windfall sites (at least 70) will be in addition to the Plan period target of 2,960 new additional homes. Release of these sites will not be restricted and can come forward at any time throughout the Plan period. However, the additional new homes figure identified at Phase 3 of the Wigston Direction for Growth (at least 300) allows the Council a 'buffer' against the Plan period target of 2,960. Release of Phase 3 of the Wigston Direction for Growth would only be required should delivery of other identified or allocated sites within the Plan be slower than expected or the Council was in a position whereby it could not illustrate a 5 year supply of housing land. The additional homes figure could help fulfil a small proportion of Leicester City's declared unmet need.

Delivery of Phase 3 of the Wigston Direction for Growth is not dependent upon completion of Phase 2 and both Phase 2 and Phase 3 can be delivered simultaneously if necessary.

- 4.2.12 Should delivery of allocated sites be slower than envisaged by the Plan, or evidence suggest a need for further development, the land identified as Phase 3 of the Wigston Direction for Growth Area (on the Adopted Policies Map) shall be released for development. Any proposal would not be subject to cumulative strategic transport testing as the Plan period requirement of 2,960 has already been subject to appropriate testing. However, appropriate local testing, in particular, highway and transport infrastructure capacity, and liaison with the Borough Council, Leicester City Council's Highways Department and Leicestershire County Council Highways department will be required. Any proposal would also be subject to the development being sensitive to the countryside areas that surround it and sustainable and appropriate in size and facility provision.

Year	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Totals
New additional housing completions between 01/04/11 and 31/03/17	79	44	47	116	117	175															578
New additional housing commitments as of 31/03/17							108	116	140	148	156	100									768
New additional homes allocated on land within the town centre of Wigston and district centre of Oadby								15	30	30	20	40	25	25	20						205
New additional homes on allocated Direction for Growth areas											40	154	181	193	192	182	182	35			1159
New additional homes on smaller allocation sites								52	124	68											244
New additional homes within the Kilby Bridge Settlement boundary									20	20											40
Annual dwelling total	79	44	47	116	117	175	108	183	314	266	216	294	206	218	212	182	182	35	0	0	2994
Cumulative dwelling total since 2011	79	123	170	286	403	578	686	869	1183	1449	1665	1959	2165	2383	2595	2777	2959	2994	2994	2994	
Local Plan target (2960) (148 per annum)	148	296	444	592	740	888	1036	1184	1332	1480	1628	1776	1924	2072	2220	2368	2516	2664	2812	2960	

Figure 1 – Local Plan Housing Trajectory

Employment Growth

4.2.13 The Council's Objectively Assessed Need (OAN) for employment use land, for the period 2011 to 2031, is;

	B1 a/b	B1c / B2	Small scale B8	Total
Total	1	0	4	5

4.2.14 Similar to the OAN for housing, the OAN for employment use land is the starting point from which the Council's Plan period target stems. The Council's OAN for employment use land is fully evidenced by the Leicester and Leicestershire Housing and Economic Development Needs Assessment. To get from this starting point, to a Plan period target, the Council has undertaken fundamental evidence base assessments that have illustrated that the Council's OAN is deliverable for the period 2011 to 2031. As the Council is seeking to meet its Objectively Assessed Need in full, under the Duty to Cooperate it will not be reliant on any other local authority within the Leicester and Leicestershire Housing Market Area to help meet its own need.

4.2.15 In addition to the Housing and Economic Development Needs Assessment, the Council as part of its further evidence base, commissioned an Employment Land and Premises study, which sought to look in more detail at the demand / need for employment uses within the Borough area. The study also took account of the current state and quality of the Borough's existing employment use land stock.

4.2.16 The Employment Land and Premises study identifies an Employment use land requirement of 8.25 hectares (including 5 year buffer) for the period of 2011 to 2031.

4.2.17 The scope for meeting the identified employment use land requirements are extremely limited within the Borough, however viable and sustainable opportunities have been identified.

4.2.18 The spatial strategy makes provision for the following new additional employment use land between 2011 and 2031.

- 5 hectares of B1, B2 and / or B8 use land at the Wigston Direction for Growth Allocation (includes 2.5 hectares with extant outline planning permission),
- 0.55 hectares of B1, B2 and / or B8 use land at land at Magna Road, South Wigston
- 2.67 hectares of B1, B2 and / or B8 use land at Oadby Sewage Works, and
- 9,800 sqm of new office / commercial floorspace (0.3 hectares) within the town centre of Wigston and the district centre of Oadby.

4.2.19 The provision of the above exceeds the need / requirements illustrated within both the Housing and Economic Development Needs Assessment and the Borough's Employment Land and Premises study, and allows capacity for 'churn' within the Borough's existing employment sites.

4.2.20 The 0.55 hectares of B1, B2 and / or B8 use land at Magna Road, South Wigston is an outstanding employment land allocation, originally defined within the Council's Saved Local Plan. The Council's Core Strategy retained the allocation. The Council's Employment Land and Premises Study suggests that the land allocation should be further retained as it presents a logical extension to the Magna Road Identified Employment area. This Local

Plan will further retain the land allocation for employment uses B1, B2, and / or B8 uses. The allocation is defined on the Adopted Policies Map.

Town Centre Growth

- 4.2.21 The spatial strategy is set around the principle that the town centre of Wigston and the district centres of Oadby and South Wigston will be key focus areas for new development up to 2031. These centres will accommodate an appropriate level of development relative to their size and character.
- 4.2.22 In 2013, the Council adopted a Town Centres Area Action Plan that set out levels of growth for the centres of Wigston and Oadby. The Area Action Plan also, through a masterplan, illustrated one way in which the levels of growth set out could be implemented. Since the adoption of the Area Action Plan, a certain level of growth and regeneration has occurred within the two centres. For the purposes of this Plan, levels of growth will be set out for the town centre of Wigston and the district centre of Oadby, that are similar to the levels set out within the Town Centres Area Action Plan 2013. This Plan, however, has amended the levels of growth to take account of development and regeneration that has occurred (since 2013) and up to date evidence base. The amended levels of growth are contained within this spatial strategy.
- 4.2.23 Since the adoption of the Area Action Plan, the following development has occurred within the centres of Wigston and Oadby;
- 26 new additional homes have been committed on Area Action Plan sites
 - Bell Street, Wigston has been fully pedestrianised, and
 - Over £800,000 has been spent on refurbishing the public realm within each of the centres of Wigston and Oadby
- 4.2.24 In addition to the above development, a Local Development Order has been produced for part of Wigston town centre.
- 4.2.25 To ensure that the development approach within the Borough's main centres is flexible, this Plan contains policies relating to overall levels of growth within the Borough's centres as well as generic development management policies (illustrated within Chapters 8 and 9). The existing masterplans relevant to the centres of Wigston and Oadby demonstrate that the objectives and levels of growth can be delivered. Upon adoption of this Plan, the Town Centre Area Action Plan will be superseded as a policy document and will become guidance. The document will be titled the 'Town and District Centre Guidance' document. This document will be reviewed and updated post adoption of this Plan when necessary.
- 4.2.26 It must be noted, that any development proposed within the Borough's town or district centres, will need to comply with all relevant policies contained within this Plan and not just those relating to town and district centres. Also, any new development proposed within the centre of Wigston or Oadby, must not compromise the delivery of the levels of development set out within this Plan.

Growth in the Leicester PUA, outside of the Borough's town and district centres

- 4.2.27 This Plans spatial strategy supports housing development on suitable land within the Leicester PUA. Appropriate housing development proposed within the Leicester PUA will be supported in principle as it will be located within a sustainable location that has easy

access to public transport, and is within easy reach of the Borough's main centres as well as employment opportunities.

- 4.2.28 As well as housing, the Leicester PUA plays an important role in supporting a wide range of other uses, including local shops, parks and recreation grounds, public houses, doctor's surgeries and dental practices. It is important that such facilities are widespread throughout the Leicester PUA and are available locally to the majority of the Borough's residents. It is vital that a mix of uses is provided within the Leicester PUA that contributes towards the delivery of sustainable development.
- 4.2.29 One of the key pieces of evidence base for identifying potential housing sites within the Leicester PUA, is the Council's Strategic Housing Land Availability Assessment (SHLAA). The SHLAA identifies theoretical capacity of a site by an agreed process and methodology. The SHLAA is updated on at least an annual basis and aids the Council in producing short, medium and long term housing trajectories.

Direction for Growth Allocations

- 4.2.30 The term 'direction for growth' was first used within the Council's Core Strategy, the term refers to strategic areas of development growth that are located outside of the Leicester PUA and are situated on predominately greenfield land. The previous Core Strategy identified a single direction for growth area towards the south east of Wigston. This growth area directly supported the Borough's main town centre of Wigston.
- 4.2.31 Due to the level of housing and employment growth required in the Borough, compliance with the NPPF, and the Council's promotion of positive planning, this Plan has identified three direction for growth allocations; one a direct extension of the previous growth area to the south east of Wigston (Wigston Direction for Growth); one in the most northerly part of the Borough, along Gartree Road and Stoughton Road in Oadby (Stoughton Grange Direction for Growth); and, one towards Oadby's most southerly part, along the A6 (Cottage Farm Direction for Growth).
- 4.2.32 Although the Borough is constrained by transport and highway capacity, all three of the direction for growth allocations have direct access onto good main road links and are situated directly adjacent to the Leicester PUA. All three direction for growth allocations allocated (once built out) will form a part of the Leicester PUA.
- 4.2.33 In preparing this Plan, a number of different site options were identified as possible locations for direction for growth allocations. The refinement of these options into the Spatial Strategy has been influenced by public consultation and preparation and analysis of evidence base.
- 4.2.34 The South East Leicestershire Transport Study published in 2017 was produced with the involvement of Oadby and Wigston Borough Council, Harborough District Council, Leicester City Council and Leicestershire County Council. The study concluded that, although there would be increased traffic levels on the surrounding roads and junctions of each growth area identified, each of the growth areas have the potential to accommodate growth without having a significant detrimental impact on the wider highway network. However, certain levels of mitigation will be needed.
- 4.2.35 In total, and over several Plan periods, the three growth areas have the capacity for up to 2050 new additional homes and 5 hectares of employment land for the Borough.

Approximately 300 new additional homes will be provided at the Stoughton Grange Direction for Growth Allocation, 400 (Phase 1 and 2) new additional homes will be provided at the Cottage Farm Direction for Growth Area, and approximately 1,350 (Phase 1, 2 and 3) and 5 hectares of employment land at the Wigston Direction for Growth Area. Both the Wigston Direction for Growth Area and the Cottage Farm Direction for Growth Area, have extant planning permissions for their Phase 1 elements, providing 450 new additional homes and 2.5 hectares of employment land and 150 new additional homes, respectively.

- 4.2.36 300 new additional homes at the Wigston Direction for Growth Area, are identified for Phase 3, which is planned for post Plan period (2031 onwards). However, should evidence suggest a need for further development at the Wigston Direction for Growth, it will be brought forward in conformity with the Council's trigger policy set out within this Plan. The Council does not expect or foresee any circumstances that could affect the delivery of new homes on any of its allocated sites, however the Council seeks to plan positively through this Local Plan.
- 4.2.37 Excluding the 300 new additional homes planned for Phase 3 of the Wigston Direction for Growth, approximately 1,700 new additional homes are to be provided at the Direction for Growth allocations, equating to nearly 60 per cent of the total new additional home delivery within the Borough during the Plan period 2011 – 2031.
- 4.2.38 The three growth areas will directly support the Borough's main town centre of Wigston and the district centre of Oadby. The growth areas will also contribute significantly towards the provision of vital facilities and services, including education provision, affordable homes provision, improved bus services, improved cycle ways and footpaths, community facility building provision, improved local shopping and leisure facilities, and provision of outdoor sport and open space. The growth areas will also contribute towards improvements to the local highway network.
- 4.2.39 Due to their scale, each of the Direction for Growth allocations will be required to produce a masterplan or development brief prior to the submission of a planning application.
- 4.2.40 Each growth area has a specific policy within Chapter 7 of this Plan.

Phasing of Development throughout the Plan period

- 4.2.41 The spatial strategy for housing growth allows sufficient flexibility to ensure that this Plan aligns with national policy and guidance, and allows for choice and competition within the Borough.
- 4.2.42 The spatial strategy is based on a three 'pronged' approach to delivering the growth that the Borough needs. The three approaches enable sustainable development to occur throughout the Borough.
- 4.2.43 As the housing delivery trajectory illustrates, the provision of new additional homes throughout the Plan period is neither smooth nor consistent, particularly during the early years of the Plan period. Such fluctuations can be attributed to the economic market, both nationally and locally, and the fact that nearly 60 per cent of the Borough's housing provision is located on three large growth areas.
- 4.2.44 In producing the housing trajectory, account was taken of lead in times for the larger sites, as well as the upfront infrastructure requirements of the larger sites. The further the

trajectory looks into the future, the more difficult it becomes to forecast provision rates, therefore towards the back end of the Plan period there is a smoothing of the trajectory, to take account of this.

- 4.2.45 It must be noted that, although the Council has made every attempt to allocate, identify and forecast all new additional homes for this Plan period, it realises that other development will come forward on non strategic sites that has not been allocated or identified (windfalls).
- 4.2.46 Government guidance states that Local Planning Authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. It goes on to state that any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 4.2.47 Evidence suggests that a windfall allowance should be included within the housing trajectory.
- 4.2.48 From the 1st April 2008 until 31st March 2017, 514 (or 61 per cent) of the total 842 additional new homes provided within the Borough would be defined as windfalls. Of the 514 additional new homes, 362 have been provided on large sites of 11 homes or more.
- 4.2.49 Over the 9 years mentioned above, the average number of new additional homes being delivered on both large and small windfall sites is 57 dwellings per year. The Council has not included a windfall allowance within the housing trajectory. The Council has been conservative in its approach and has decided to use only a proportion of the annual average; some 25 per cent of the 57 dwelling average per year, equating to 14 units per year or 70 units over a 5 year period. Other than the anomaly in 2011 – 2012 where none of the units were classed as windfalls, the number of windfall units has ranged between 30 and 89 in the other 8 years (6 of these 8 years have seen 60 units plus as windfalls).

Policy 2 Spatial Strategy for Development within the Borough

The Council will always seek the reuse of previously developed land and will concentrate development within the Borough's key centres and the Leicester Principal Urban Area. In addition, the Council has allocated land outside of these areas to ensure that the development needs of the Borough are met.

In order to deliver the required levels of growth to meet the Borough's needs up to 2031, this Plan;

- allocates sufficient land to provide at least 2,960 new additional homes;
- allocates sufficient land to provide at least 8 hectares of employment use development; and,
- identifies sufficient land to provide up to 2,974 sqm of new additional retail floor space.

To achieve the above levels of development, the Council has identified and allocated land within Wigston town centre, Oadby district centre, South Wigston district centre, the Borough's designated local centres, areas within the Leicester PUA and the three Direction for Growth Allocations.

The Borough's main town of Wigston and main district centre of Oadby will contribute the following levels of development.

Wigston Town Centre

- 9,000 sqm of new office floorspace
- 1,169 sqm of additional retail floorspace
- 129 new residential units
- At least the same number of existing public car parking spaces

Oadby District Centre

- 800 sqm of new commercial floorspace
- 1,351 sqm of additional retail floorspace
- 76 new residential units
- At least the same number of existing public car parking spaces

The existing masterplans relevant to the centres of Wigston and Oadby demonstrate that the objectives and levels of growth can be delivered.

Areas within the Leicester PUA

The areas situated within the Leicester PUA, but outside of the town centre of Wigston and the district centre of Oadby will contribute the following levels of development.

- 244 new additional homes, including;
 - Meadow Hill, Welford Road Wigston (53)
 - Land west of Welford Road, Wigston (50)
 - Arriva Bus Depot, Station Street, South Wigston (43)
 - Former Oadby Swimming Pool, Oadby (32)
 - Nautical William, Aylestone Lane, Wigston (23)
 - 39 Long Street, Wigston (18)
 - 53-59 Queens Drive, Wigston (15)
- 3.22 hectares of employment use land
- 454 sqm of additional retail floorspace

Direction for Growth Allocations

The Direction for Growth Allocations will contribute the following levels of development.

- at least 1,159 new additional homes, and
- at least 5 hectares of employment use land

In addition to providing new additional employment use land, the Council will seek the retention of existing Identified Employment Areas.

To ensure that development and growth within the Borough is provided in a sustainable manner, the Council will work in partnership with local authorities, agencies and organisations to identify and coordinate the provision and funding of infrastructure and facilities (including green infrastructure) required to meet the needs of planned development and to conserve and enhance existing key biodiversity, environmental, social, cultural, historic and economic assets.

All allocated land is identified on the Council's Adopted Policies Map.

Regeneration Schemes and Large Scale Change

- 4.3.1 Proposals for new regeneration schemes and initiatives that lead to large scale change will be identified and consulted upon in accordance with the Council's Statement of Community Involvement and the requirements set out in the appropriate Town and Country Planning Regulations. The Council will seek to consult with key stakeholders and ensure that representatives of the wider local community are involved throughout any planning and implementation process, relating to large scale change.
- 4.3.2 The key areas within the Borough for potential large scale new development or regeneration schemes are identified within Policy 2 of this Plan. The Council has an Town and District Centre Guidance document for the centres of Wigston and Oadby that will provide a basis for facilitating regeneration schemes within each location.
- 4.3.3 Much of the University of Leicester's student accommodation, conferencing facilities and sports and recreational facilities are based at their campus in Oadby. The Council continues to support the general principle of enhancement of the University of Leicester's Oadby Campus, however would encourage the preparation of a long term framework for its future development. All schemes relating to the Oadby campus should be in accordance with other relevant objectives and policies in this document.
- 4.3.4 Regeneration schemes in the Borough will be encouraged through masterplanning and / or Development Briefs. Such planning will provide an organised, streamlined and sustainable approach that will prevent ad hoc development out of context with the general character, history and structure of the area, from being detrimental or negative.
- 4.3.5 In large scale developments or schemes that are proposed, such as the Direction for Growth Allocations, proposals will need to include a mix of uses and take account of any existing local landscape or townscape character. Such mixed use should include residential dwellings, on site employment opportunities (where appropriate), recreation and leisure, community facilities and formation of a local centre (where relevant). Such a mix of uses will contribute towards sustainable development and will play a role in reducing the effects of carbon dioxide and other greenhouse gases on climate change.
- 4.3.6 Although development of previously developed land and / or buildings may be able to integrate and benefit from existing infrastructure, provision of new and/or improved existing infrastructure may be required to mitigate negative impacts of the large scale change. Any provisions sought will be done so in accordance with policies in this Plan, Leicestershire County Council Highways Department and Education Department, as well as national policy and guidance.

Policy 3 Regeneration Schemes and Large Scale Change

When regeneration schemes or large scale change is proposed, the Council will require the production of, either, Masterplans, Development Briefs and / or other appropriate plans or strategies. In conjunction with Leicestershire County Council Highways Department, the Council will also require the production of Transport Assessments.

Submitted Masterplans, Development Briefs and / or appropriate plans or strategies, where relevant must:

- Identify the land area suitable for new development or redevelopment and set out the appropriate uses.
- Conserve and enhance heritage assets and their settings.
- Conserve and enhance Green Infrastructure assets and Local Green Spaces.
- Establish a spatial and sustainable pattern of growth.
- Identify constraints to development and illustrate how these will be overcome.
- Identify all sensitive features and measures for protection.
- Illustrate all relevant access, transport and potential traffic issues, as well as mitigation measures.
- Establish priorities for implementation along with timescales and sources of funding.
- Take account of local landscape and / or townscape character in the design of the scheme.
- Set out the necessary infrastructure needed to bring the site forward.
- Take into account all other relevant policies within this Local Plan.

Where regeneration schemes or large scale change is proposed, the earliest liaison between the applicant, the Borough Council and Leicestershire County Council Highways Department and Education Department (and Leicester City Council where relevant) is essential.

Chapter Five – Cohesive Communities

Creating a Skilled Workforce

- 5.1.1 Education and training can play a pivotal role in reducing unemployment and making the local economy more flexible and adaptable to change. It allows this by enabling businesses access to an appropriately skilled workforce. The Council's Economic Regeneration Strategy supports the Council's ambition for continued economic prosperity, education and training.
- 5.1.2 The Plan's spatial objective for education and learning (Healthy Lifestyles) is to improve and provide learning and educational opportunities and prospects for the Borough's residents. This includes practical vocational training and apprenticeship, across a broad range of sectors.
- 5.1.3 The skill base of the Borough is a critical factor for economic growth and future prosperity. The number of young people who reach adulthood with no qualification or skill is something that the Council wishes to discourage, as this can contribute to higher rates of unemployment. This in turn can discourage investment and growth in the Borough.
- 5.1.4 A survey carried out by the Office of National Statistics (ONS) illustrates that between 2004 and 2015, there was a relatively high percentage of Borough residents with NVQ 4 qualifications and above. Put in context, the percentage for the Borough is higher than the equivalent for the East Midlands and Great Britain. Conversely, there is a relatively high number of residents in the Borough with no qualifications, which is higher than the East Midlands and Great Britain figures. In 2013 approximately 4,200 (12.2%) of the Borough's residents had no qualifications, whilst the East Midlands and Great Britain figures were 10.4% and 9.4% respectively.
- 5.1.5 The Council will therefore continue to work in partnership with local educational facilities, such as schools and universities, the Leicester & Leicestershire Enterprise Partnership (LLEP), and Leicestershire County Council (as the Local Education Authority) to ensure that the skills, learning and educational needs of the Borough are met and that the Borough's younger generation has the opportunity to realise their full potential. In granting planning permission for major development schemes, developers will be encouraged to contribute to local employment development, skills and training, including – making best efforts to employ local contractors, subcontractors, apprentices and trainees during construction and, where appropriate, developing and implementing a business orientated employment and skills plan to develop skills.
- 5.1.6 Existing educational facilities (amongst other facilities) will be protected from potential loss through the Community Facilities Policy of this Local Plan and in principle support will be given to proposals that will result in improved educational facilities, including proposals to expand existing educational facilities or create new educational facilities.
- 5.1.7 The Council is keen to improve education and skills of its residents. To help achieve this, the Council will encourage applicants for major residential and non-residential development to liaise with local colleges and apprenticeship schemes, to utilise the existing skills of the Borough's residents as an integral part of the construction process.

Policy 4 Creating a Skilled Workforce

The Council will support development proposals that relate directly to the development of local skills, and training opportunities, particularly for young people and residents who are unemployed.

The Council will work with its partners including, Leicester & Leicestershire Enterprise Partnership, local universities, colleges, schools and academies and Leicestershire County Council, to maintain and improve the local work force and provide residents the best chance to be more competitive in the job market.

Planning permission will be granted for new residential development where the individual or cumulative impacts of the development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

If there is an identified need to do so, the Council will use legal agreements to secure any necessary improvements in education provision arising as a result of development.

Improving Health and Wellbeing

- 5.2.1 National government requires local planning authorities to ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision taking. Public health organisations, health service organisations, commissioners and providers, and local communities are expected to work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.
- 5.2.2 The Council is committed to maintaining and enhancing the health and wellbeing of its residents. Due to this commitment, the Council set up its own Health and Wellbeing Board that aims to bring key decision makers together from a range of local health providers to review local health data, share information on service provision and lobby for change. The Council will seek to ensure that all of its residents are happy and live long and healthy lives, with less inequality.
- 5.2.3 The Council will work collaboratively with the local Clinical Commissioning Group and the National Health Service (NHS), as well as local GP surgeries and other health partners to:
- support the NHS (including local GP Surgeries) in delivering a health and wellbeing service which meets the needs of Borough's residents;
 - encourage healthier communities through the targeting of unhealthy lifestyle choices;
 - seek contributions towards new or enhanced health facilities from developers where new housing development would result in a shortfall of provision; and,
 - ensure increased access to the Borough's open spaces as well as offering increased opportunities for physical activity.
- 5.2.4 On a regular basis the Leicester Shire and Rutland Statistics and Research department produce Joint Strategic Needs Assessments (JSNAs) for the local authorities within Leicester, Leicestershire and Rutland. The assessments analyse the health needs of populations to inform and guide commissioning of health, wellbeing and social care services within local authority areas.
- 5.2.5 In terms of 'general health' according to the most up to date Joint Strategic Needs Assessment, the percentage of Borough residents that are in 'very good health' is 45.19 per cent, which is slightly lower than the overall England percentage of 47.17 per cent. Conversely, the percentage of Borough residents that are deemed in 'bad health' or 'very bad health' are lower than the England percentages (3.71 per cent and 1.09 per cent, compared to 4.25 per cent and 1.25 per cent respectively).
- 5.2.6 Although the Borough, in general, fairs pretty well in terms of the statistics illustrated above, this Plan has a vital role to play in ensuring that the opportunities exist for people to make healthy and / or healthier lifestyle choices. It will also help address any health inequalities across the Borough.
- 5.2.7 By having a positive approach to local health and wellbeing, the Council will seek to create and support vibrant, sustainable and healthy communities by promoting and facilitating healthy living and lifestyle choices as well as creating an environment that offers plentiful opportunities for improving health and wellbeing.
- 5.2.8 To ensure that all new development contributes towards providing an array of opportunities for healthy living and wellbeing of the Borough's residents, all proposals should, through

design and provision, encourage walking and cycling, as well as encourage the use of other sustainable modes of transport. Where there is potential to do so, development should contribute towards, for example, the provision of and / or the refurbishment of footpaths, cycle ways, canal towpaths, outdoor adult gyms, outdoor sports provision, children's play equipment and recreational open spaces.

5.2.9 National policy suggests that to deliver the social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared space, community facilities and other local services, and should guard against the unnecessary loss of valued facilities and services.

5.2.10 To ensure the community's needs are delivered and safeguarded, the Council will seek to prevent the loss of required local services and facilities. All new large scale development proposals that could have a detrimental impact on existing local services and facilities would need to submit a Health Impact Assessment (HIA) screening statement. The Department of Health sets out a guide to carrying out Health Impact Assessments. According to guidance, the initial stage of a HIA is 'screening'. It is this initial stage that dictates whether a full HIA is required or not. Guidance currently sets out five screening questions that should be answered when development is proposed.

5.2.11 A HIA is a practical approach used to judge the effects that a proposed development has on the health and wellbeing of the local community, whether positive or negative. The findings of a HIA are used to make recommendations as to how any positive health impacts of the proposed development may be increased and how any negative impacts can be reduced.

Policy 5 Improving Health and Wellbeing

Development proposals will be required to assess their impact upon existing services and facilities, specifically services and facilities relating to health, social wellbeing, culture and recreation.

All residential development proposals of 11 units or more and non-residential development proposals of a combined gross floorspace of more than 1,000 square metres will be required to submit a Health Impact Assessment screening statement. The statement will measure the potential impact and demands of the development proposal upon the existing services and facilities.

The Borough Council will require the Health Impact Assessment screening statement to be prepared in accordance with the advice and best practice for such assessments as published by the Department of Health and other agencies.

For developments where the initial screening assessment indicates more significant health impacts, a more comprehensive, in depth Health Impact Assessment will be required.

Where significant impacts are identified, planning permission will be granted where measures to mitigate the impact are provided, either onsite and / or offsite through the use of planning obligations.

High Quality Design and Materials

- 5.3.1 High quality design, and the use of high quality materials is paramount in ensuring that new development creates attractive, buildings and spaces that are sustainable, well connected, and are in character within the locale they are set. It is imperative that new development provides buildings and spaces that people enjoy now and in the future.
- 5.3.2 Design in planning is about making places welcoming, easy and efficient for people to use in terms of functionality, durability, and accessibility. High quality and inclusive design should reflect local character and distinctiveness and be the basis for shaping balanced, safe, healthy and integrated communities. It is important to recognise that design is not just about the visual and functional aspects of a development but also its influence on social and environmental wellbeing.
- 5.3.3 The construction of buildings and spaces and the sustainability and efficiency of buildings and spaces are nationally regulated through Building Regulations. The Building Regulations are a set of national standards on key aspects of construction, including the reduction in carbon emissions and the efficient use of water.
- 5.3.4 Any development proposal should deliver the highest possible quality of design and use of materials. The design principles set out in this policy should be used to help structure discussions between the Council and the development proposer. A Design and Access Statement will be required to accompany any development proposal or application.
- 5.3.5 The Council will also actively encourage developers to take account of the standards and principles set out in the Building for Life 12 (published by the Building for Life Partnership). The Council seeks to ensure that all new buildings and spaces are 'fit for purpose' and are appropriate for healthy living.
- 5.3.6 For non residential buildings, the BREEAM standard was created as a cost-effective means of bringing sustainable value to development. Evidence demonstrates that sustainable developments, like those delivered through BREEAM, offer value in many ways, including: reduced operational costs. The Council would encourage the use of the BREEAM standard in all new non residential development.
- 5.3.7 Good design responds in a practical and creative way to both the function and identity of a place. It puts; land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long, as well as the short term.
- 5.3.8 Any development proposal should seek to ensure that there is a significant positive effect on the community in which it is situated. Any negative affect should be effectively mitigated; consideration should be given to the following aspects.
- local character (including landscape setting);
 - safe, connected and efficient streets;
 - a strong network of green spaces (including parks) and public places;
 - crime prevention;
 - high quality architecture;
 - access, inclusion and health;
 - efficient use of natural resources;
 - cohesive and vibrant neighbourhoods;
 - air quality and air quality management;

- sustainable construction; and,
- climate change.

- 5.3.9 Development should be designed to be adaptable and flexible and reduce the effects of climate change, throughout the proposed lifetime of the development, and not just in the short term. The use of sustainable building materials and the re-use of materials in all developments will be sought, as will the use of recycled aggregates in the construction of buildings and spaces. Development proposals should also seek to use design to create layouts and orientation that minimise energy consumption.
- 5.3.10 When new development proposals have an effect on existing areas of public realm or are incorporating areas of public realm (whether new or existing) into the design of a scheme, the Public Realm policy in this plan should be taken account of.
- 5.3.11 New development should provide high quality connections for pedestrians, cyclists and motor vehicle users that avoid dead ends or convoluted routes. New development should also integrate any new routes into the wider settlement routes and connect to existing services and facilities effectively and efficiently. Designing places that are easy and efficient to navigate is imperative.
- 5.3.12 When new development connects to and makes use of existing routes, it should not be restricted to highways and pavements, it will include other routes, such as canal towpaths and other public rights of way.
- 5.3.13 As well as connections, all development should provide the appropriate level of parking, including that for cycling and motor vehicles (where relevant).
- 5.3.14 Development should have regards to and enhance local character and history by ensuring that it responds to its landscape setting and history of the area, topography and wider context, within which it is located, as well as the local streetscape and local building materials.
- 5.3.15 All development proposals should also have regard to the design principles and guidance set out within the Council’s Landscape Character Assessment, and where relevant the Town and District Centre Guidance document and Local Development Orders.

Policy 6 High Quality Design and Materials

The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development and major refurbishment in the Borough.

Proposals for new development and major refurbishment must create a distinctive environment by;

- respecting the existing local and historic character;
- utilising inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;
- creating development that is of high architectural quality;
- ensuring patterns of development are sympathetic to their surroundings; and,
- responding to the local topography and the overall form, character and landscape setting of the settlements;

Proposals for new development and major refurbishment must ensure safe and healthy communities by;

- creating inclusive places that design out opportunities for anti-social behaviour and crime;
- creating spaces that are accessible to all regardless of ability or background;
- encouraging sustainable means of travel, including walking, cycling and public transport;
- protecting local amenity, including, resisting development that has unacceptable contributions towards air quality, noise, vibration, smell, light or other pollution, loss of light or overlooking;
- providing opportunities to promote biodiversity;
- providing opportunities for well designed and integrated public art;
- incorporating measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation;

Proposals for new development and major refurbishment must create connected places by ensuring that development;

- connects effectively and efficiently to existing routes and developments, by avoiding dead ends and convoluted routes, to allow it to integrate into the wider settlement and to link to existing services and facilities;
- integrates with existing sustainable modes of transport including cycle, pedestrian (including canal towpaths and public rights of way), and public transport; and
- provides appropriate parking facilities, including that for cycling and motor vehicles (where relevant).

Compliance with the above criteria will need to be expressed through submission of a Design and Access Statement.

Major development including large-scale refurbishment will require preparation of a masterplan, development brief and / or design code where deemed appropriate by the Council.

Proposals for innovative and outstanding design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will in principle be supported by the Council.

Community Facilities

- 5.4.1 Community facilities (sometimes referred to as Community assets) are defined as buildings or spaces where community led activities for community benefit are the primary use and the facility is managed, occupied or used primarily by the voluntary and community sector. Community facilities can include purpose-built structures such as community halls and village halls, places of worship, health centres, schools and cultural facilities such as museums, libraries, theatres, post offices and public houses.
- 5.4.2 Some community buildings provide only one type of activity while others provide as diverse a range as possible in response to the needs of the communities they serve. They are a key part of sustainable communities and can contribute positively towards community health, recreation and wellbeing.
- 5.4.3 The Council will continually monitor and assess the local community's needs to ensure that provision of community facilities within the Borough is appropriate. For the purposes of this policy, built sporting facilities are not included within the definition of community facilities. Built sporting facilities will be taken account of within Policy 9 of this Plan.
- 5.4.4 In recent years the Borough has seen significant investment within its community facilities, both from the private sector as well as the Council itself, for example the new combined health centre in Wigston. Through working closely and collaboratively with key stakeholders, it is anticipated that such investments are likely to continue into the future.
- 5.4.5 Town centre masterplans, Local Development Orders, development briefs and Supplementary Planning Documents have previously and will continue to seek to meet any further identified needs for community facilities within the Borough. Any developer contributions will be sought in accordance with the Borough Council's Developer Contributions Supplementary Planning Document.

Retention, Enhancement and New Community Facilities

- 5.4.6 The loss of community facilities can have a substantial impact on people's quality of life, wellbeing and overall viability of the local area. The Council will expect new development to at least retain, and where possible, improve existing local community facilities. It is important that these are integrated into the design of new development. If development proposals are likely to have an effect, whether positively or negatively on an existing community facility, it is imperative that the proposer of development has early engagement with the Council.
- 5.4.7 For existing community facilities, the Council will work with partners to secure future improvements and will protect them against redevelopment for alternative uses (should evidence suggest that there is a need to do so), particularly housing and commercial development.
- 5.4.8 The NPPF states that planning policies and decisions should:
- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - Ensure that established community facilities are able to develop and modernise in a way that is sustainable, and be retained for the benefit of the community.

Asset of Community Value

5.4.9 Part 5 Chapter 3 of the Localism Act 2011(Act) allows local people and groups to put forward to local authorities, what is known as an ‘asset of community value’; through the Community Right to Bid procedure. The Act requires local authorities to maintain a list of ‘community assets’ that have been put forward by qualifying groups or bodies and agreed for designation by the local authorities themselves. Further information regarding assets of community value can be found on the Council’s website. It is important to note that should a building be designated as an asset of community value, it does not preclude future development; however it does give the local community and / or local community group better opportunities of securing an assets future use for the community.

Policy 7 Community Facilities

The Council will work with key partners including developers to secure and maintain a range of new community facilities.

All development proposals must support and enhance community services and facilities where appropriate by:

- providing on-site and / or contributing towards new or enhanced community facilities off-site to meet any needs arising from proposed development.
- avoiding the loss of community facilities, unless it can be demonstrated that they are no longer needed by the community they serve.

The Council will support community facilities where:

- there is good access by pedestrian routes, cycle routes and public transport;
- they encourage co-location of community uses;
- sufficient car parking is already available or can be provided to meet the needs of the development;
- residential amenity can be protected from any detrimental impact in terms of noise, traffic and hours of use; and
- the external appearance of the building can provide a sense of place and can positively reflect the character and appearance of its surroundings.

Generally, town centre, district centres and local centres will be the most appropriate locations for community facilities.

Green Infrastructure

- 5.5.1 The NPPF states that Green Infrastructure is a network of multi-functional green space, both urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure is regarded as a vital part of urban infrastructure. The Borough Council's aim is to continually improve the quality of its natural green assets as well as to ensure a net gain in its quantity. All new development should maximise existing Green Infrastructure and create new areas of green space that contribute towards the overall network of Green Infrastructure.
- 5.5.2 The NPPF requires the planning system to encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation, wildlife and food production). Well designed Green Infrastructure is essential in improving environmental quality, health, wellbeing and community cohesion.
- 5.5.3 Green Infrastructure also plays an important role in terms of climate change mitigation (e.g. through carbon storage) and climate change adaptation (e.g. through moderating urban temperature extremes).
- 5.5.4 Throughout the Borough there is a network of existing areas of strategic Green Infrastructure falling into different categories which are important to the character of both the urban and rural areas; and provide valuable spaces for formal and informal recreational activities in our communities. These strategic areas include the countryside around the Leicester PUA, the green wedges, river corridors (and their riparian habitats), canals (and their riparian habitats) and railway lines, and are illustrated in Figure 2.

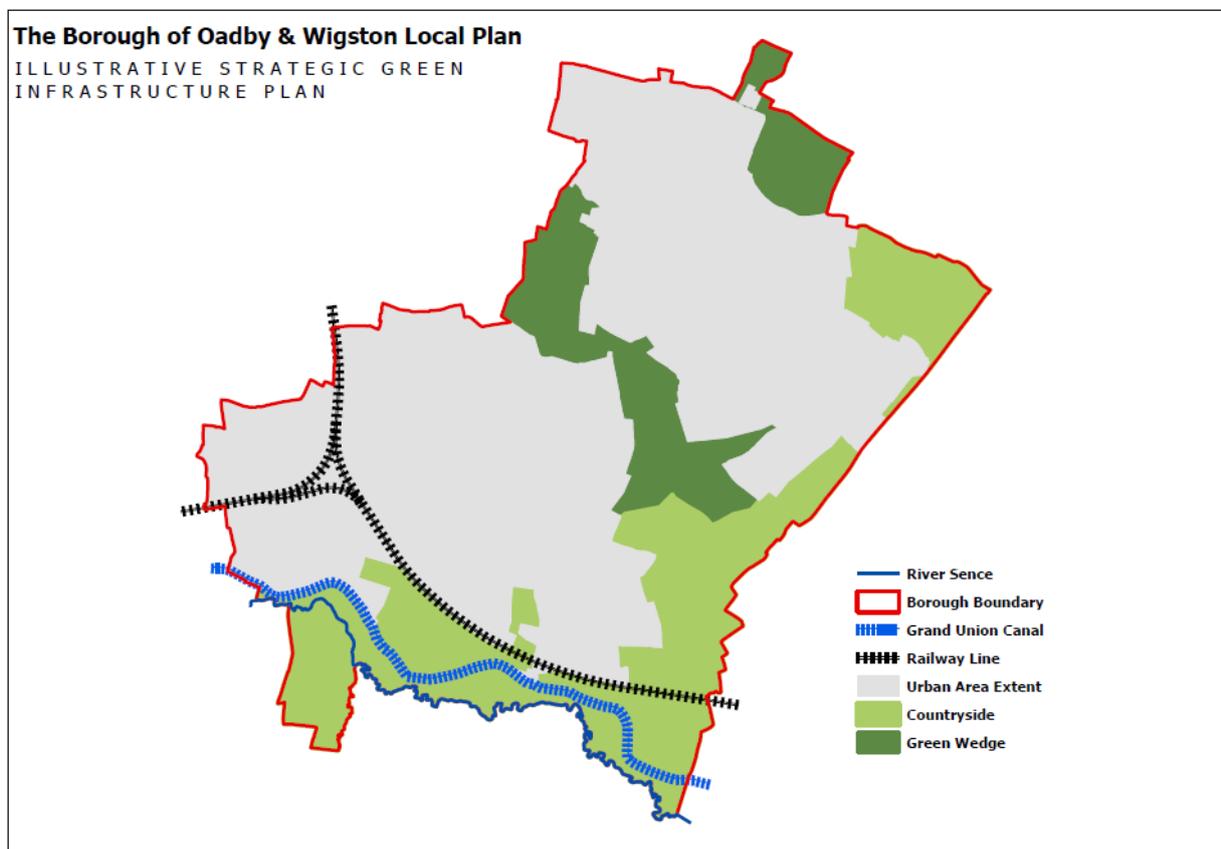


Figure 2: map illustrating the strategic green infrastructure corridors of the Borough

- 5.5.5 Current provision of more local Green Infrastructure within the Borough includes formal and informal open spaces, local green spaces, cemeteries, sports fields, the golf course, Leicester Racecourse, local wildlife sites, local nature reserves, country parks, Veteran trees, woodland, important hedgerows, ponds, The Washbrook and allotment sites.
- 5.5.6 Green Infrastructure offers significant opportunity for exercise, sport and informal recreation. Green Infrastructure offers access and movement and can promote sustainable modes of movement such as walking and cycling.
- 5.5.7 Green infrastructure should contribute to and enhance the quality of life of existing and future residents and visitors to the Borough. Opportunities to achieve this include;
- providing improvements that respect existing landscape character, that will assist in attracting and retaining inward investment;
 - protecting and enhancing existing biodiversity, creating new areas for biodiversity and reversing the fragmentation of habitats by restoring the connectivity between them;
 - providing continued, new and enhanced links to the countryside; and,
 - coordinating the use of green space to optimise its use for leisure, biodiversity, drainage, flood management and other socio economic activities.
- 5.5.8 The provision of accessible Green Infrastructure is seen as increasingly important to regeneration and creating places that are based upon local distinctiveness. Quality environments also attract quality investment in terms of housing, jobs, skills and visiting attractions.
- 5.5.9 Green Infrastructure can contribute to the high quality natural and built environment that fosters sustainable communities. Biodiversity is preserved and enhanced by ensuring Green Infrastructure is networked through corridors of green space. As well as biodiversity, Green Infrastructure includes sites of ecological, geological and historical interest. Within the Borough these sites include:

Sites of Special Scientific Interest (SSSI)

- The Grand Union Canal and Limedelves Site of Special Scientific Interest, located east of Kilby Bridge between Kilby and Foxton

Regionally Important Geological Sites (RIGS)

- Kilby Bridge Pit Regionally Important Geological Site, located between Wigston and Kilby Bridge, east of Welford Road

Local Wildlife sites

- There are numerous Local Wildlife sites located within the Borough.

5.5.10 In addition to the above sites, this Plan identifies habitats and species that comprise green infrastructure assets within the Borough. The identified assets include; veteran trees; trees with special interest; hedgerows; woodland; ponds; nature reserves; gardens; watercourses; otters; water voles; farmland birds; bats; Great Crested Newts, Marbled White Butterflies; and, Brown Hares.

5.5.11 The Council's Infrastructure Delivery Plan provides a detailed compilation of the various components of Green Infrastructure within the Borough and identifies the new Green

Infrastructure that is required in the Borough in order to accommodate growth. It establishes what needs to be done and by when, who needs to do it and what the priorities for action are. Where possible it identifies capital and, where appropriate, revenue costs together with sources of funding. It is intended that the Green Infrastructure Plan will contribute towards the delivery and implementation of this policy and that it will assist in the determination of planning applications in the Borough.

5.5.12 The proposed Direction for Growth Allocations should establish new Green Infrastructure corridors that link to the existing Green Infrastructure network. All new Green Infrastructure assets / corridors should tie in with, and connect and enhance existing green infrastructure assets / corridors. Provision of new Green Infrastructure is an important contribution that developers can make when sites are developed. More detail relating to the requirements of each of the Direction for Growth Allocations is contained within Chapter 7 of this Plan.

5.5.13 The Borough has two Green Wedges: the Oadby and Wigston Green Wedge separating the settlements of Oadby and Wigston and Oadby, Thurnby, Stoughton Green Wedge encompassing the land to the northern boundary of the Borough. These ensure that green corridors through the Borough and into neighbouring authority areas are maintained. Green Wedge Strategies (Oadby and Wigston Green Wedge Strategy (2004) and the Oadby, Thurnby, Stoughton Green Wedge Strategy (2005) provide the Borough with a framework for managing the green wedges.

Policy 8 Green Infrastructure

The Council will seek a net gain in Green Infrastructure through the preservation and enhancement of open spaces and assets that comprise the Borough's Green Infrastructure and its network.

Where relevant, all new development resulting in a net gain in residential dwellings and / or other forms of development, such as employment, retail and commercial floor space must contribute towards achieving this net gain. Green Infrastructure assets will be created, preserved, managed and enhanced by:

- safeguarding and enhancing existing Strategic Green Infrastructure assets / corridors;
- contributing towards the creation of new multi-functional areas of green space;
- seeking opportunities to link fragmented habitats, protect vulnerable habitats and integrate biodiversity within communities;
- seeking the creation of new strategic and / or local Green Infrastructure assets / corridors within all new development;
- actively promoting the restoration, re-creation and enhancement of existing Green Infrastructure assets / corridors and the biodiversity that they support;
- not allowing development that compromises the integrity of the existing overall Green Infrastructure network;
- protecting and conserving species and sites of ecological and geological significance;
- facilitating off-site improvements to existing Green Infrastructure assets / corridors, particularly their quality and accessibility;

- where relevant, working in partnership to enhance the value of Strategic Green Infrastructure assets / corridors that are also of significance outside of the Borough, such as the Grand Union Canal and River Sence (including their riparian habitats).

Open Space, Sport and Recreation Facilities

- 5.6.1 Open space, sports and recreation underpin peoples' quality of life, with well designed and implemented planning policy, being fundamental in delivering the broader Government objectives of, supporting urban regeneration and rural renewal; promotion of social inclusion and community cohesion; health and well being; and, promoting more sustainable local communities.
- 5.6.2 National planning policy and guidance sets out that it is for the local authority to assess the need for open space and opportunities for new provision in their areas.
- 5.6.3 The NPPF defines open space as 'all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and act as a visual amenity'.
- 5.6.4 Open spaces in towns and rural areas are essential in improving public health, well-being and quality of life. Attractive, safe and accessible parks and green spaces contribute positively to social, economic and environmental benefits and promote more healthy communities.
- 5.6.5 Since 2009, the Council has audited and assessed all of the land within the Borough that is fully accessible to the public, on an annual basis. The land areas identified in these audits / assessments are characterised into different typologies depending on their features and assets. The typologies used by the Council are outlined below:
- Parks and Recreation Grounds
 - Outdoor Sports Facilities
 - Children and Young Peoples Space
 - Informal Open Space
 - Natural Green Space
 - Amenity Green Space
 - Allotments
 - Cemeteries and Churchyards
- 5.6.6 As well as the open space typologies above, working closely with Sport England, the Council has assessed the current level of built sports facilities within the Borough, as well as the expected levels of need over the Plan period up to 2031. The typologies assessed are:
- Sports Halls
 - Swimming Pools
 - Small Halls / Community Venues
- 5.6.7 The assessment undertaken in collaboration with Sport England illustrates that the current level of provision of the built facilities described above are sufficient for the projected growth within the Borough over the Plan period up to 2031. The Council will seek no net loss of these current levels of built facility provision.
- 5.6.8 Each type of open space and built facility mentioned above has various community benefit. It is important that the Council provides a balance between types of open space in order to meet local needs. For example, not all residents living in each area will have a demand for open space in the form of playing pitches or allotments.

- 5.6.9 Locally based open space requirements have been developed by the Council and have been very successful in maintaining (and increasing) the levels of open space within the Borough. With this success it is felt that it would not be appropriate to deviate from the current requirements, however through close discussion with Sport England, the requirement and provision of the Outdoor Sport Space typology will be achieved through the Council's Playing Pitch Strategy rather than through the use of the Council's quantity requirement approach.
- 5.6.10 The requirements for each typology of open space are identified below.
- 5.6.11 The Council's Open Space Audit assesses the provision of open space on an annual basis and identifies areas of deficiency and surpluses in provision of open space, sports and recreational facilities. This is used to inform where resources arising from new development or where offsite contributions will be focused.
- 5.6.12 Proposals for new residential development should contribute to the provision and / or enhancement of open space in areas where there is a deficiency in provision, or poor quality of open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area. On-site provision of open space should provide at least the requirements as set out below, whereas off-site contributions towards open space provision should be consistent with the Council's Developer Contributions Supplementary Planning Document.
- 5.6.13 All areas of open space, sports and recreational facilities are relevant to Policy 9 and not just those identified within the Council's open space study and annual audits.

Typology	Quantity Requirement
Parks and Recreation Grounds eg recreation grounds, parks, and formal gardens	0.50 hectares per 1000 residents
Outdoor Sports Space eg playing fields, football pitches, tennis courts, bowling greens, artificial pitches	As identified within the Council's Playing Pitch Strategy
Children and Young Peoples Space eg sites with equipped play facilities	0.30 hectares per 1000 residents
Informal Open Space eg Spaces open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat.	0.50 hectares per 1000 residents
Natural Green Space eg meadows, river floodplain, woodland, country parks, nature reserves	0.80 hectares per 1000 residents
Allotments eg growing produce, health, social inclusion and promoting sustainability	0.50 hectares per 1000 residents

Sports Halls	As identified within the Sport England built facilities assessment
Swimming Pools	As identified within the Sport England built facilities assessment
Small Halls / Community Venues	As identified within the Sport England built facilities assessment
Cemeteries and Churchyard There is no quantity requirement for these types of open space; however the Council has identified land south of Gartree Road in Oadby (as illustrated on the Adopted Policies Map) as appropriate for the provision of cemetery and burial grounds. This land will ensure the Council has sufficient land available to provide for the Borough's cemetery and burial needs up to 2031.	

Policy 9 Open Space, Sport and Recreation Facilities

In relation to open space, sport and recreation facilities, the Council will protect existing sites from development where; there is a demand to retain them; they contribute towards the Green Infrastructure in the Borough; and the equivalent cannot be provided elsewhere. New development will contribute either physically or financially to the provision or improvement of open space, sport and recreation facilities.

The quantity requirements, the Council's Playing Pitch Strategy and the Council's Developer Contributions Supplementary Planning Document will be used in relation to the provision of open space, sport and recreation facilities provision within the Borough, to satisfy need and allow every resident access to adequate, high quality, accessible open space and play areas.

Provision of open space, sport and recreational facilities must:

- be located close to their intended population catchment areas;
- be accessible by a choice of transport modes other than the private car;
- be of an appropriate scale and design; and
- seek positive impacts to landscape form.

Existing open space, sports and recreational buildings and land, including playing fields, must not be developed or lost unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Public Realm

- 5.7.1 Public realm is the public spaces between buildings and structures that are of the built and/or natural environment, that are open and freely accessed by the public. Public realm also provides the context and setting for existing and new development. It includes hard and soft surfacing materials, street furniture (including lighting, benches, litter bins), traffic and pedestrian signage, way finding and control, trees, and landscaping. For a full definition of public realm see the Borough Council's Public Realm Strategy Supplementary Planning Document.
- 5.7.2 Although it is acknowledged that many public realm schemes involve the use of street furniture, barriers and signage, the Council does not support schemes that create unnecessary street clutter. The use of signage and barriers will only be supported where they are incorporated innovatively into the design of a scheme or they are absolutely necessary.
- 5.7.3 It is anticipated that new areas of public realm / or improvements and / or refurbishments will form part of all large development proposals, for example, development within the town and district centre boundaries and development occurring at the Direction for Growth Allocations. Any public realm scheme must ensure that it is designed and developed to the highest standards. All schemes must improve the attractiveness of the streets and make the areas more desirable places to visit, to shop, work and live. Both Wigston town centre and Oadby district centre have identified areas for outdoor events such as markets, and schemes should be designed to accommodate such uses. Development that seeks to provide outdoor events spaces within South Wigston will be encouraged where relevant to do so. Further guidance relating to the centres of Wigston and Oadby can be found in the Town and District Centre Guidance document.
- 5.7.4 Further to the public realm improvement works that have already taken place within the town centre of Wigston and the district centre of Oadby, the following schemes will be actively encouraged:
- Further improvements to the public realm within the centres of Wigston, Oadby and South Wigston;
 - Improvements to the public transport facilities within the centres of Wigston, Oadby and South Wigston; and
 - Extension and improvement of The Lanes in Wigston town centre.
- 5.7.5 The use of high quality materials presents an attractive and welcoming environment, and they also ensure longevity against deterioration. Public realm development presents an opportunity to replace existing impermeable hard standing and surfaces with permeable materials and to incorporate Sustainable Drainage systems (SuDs). A good sustainable drainage scheme will be integrated into the development design and will provide multiple benefits, such as; creating an attractive environment; providing habitat and wildlife; being part of the green infrastructure network; and managing surface water run-off. Drainage features such as permeable surfaces, swales, filter strips, rainwater gardens and soak-aways are encouraged.
- 5.7.6 All public realm schemes will need to prioritise pedestrians over other modes, and must be designed to ensure the minimum amount of street clutter such as road signs and bollards.

Manual for Streets II (amongst many other documents) offers further guidance in this regard and should be considered when designing proposals.

- 5.7.7 The design of public realm in gateway locations will be of particular importance and should 'announce' the area / space to people entering or passing. Development at gateway locations will also improve the visibility and attractiveness of the Borough. Attractive gateway design can be achieved through a number of ways, including the use of high quality and different materials.
- 5.7.8 Whilst development proposals should be comprehensive and include proposals for surrounding public realm improvements, the Borough Council will use developer contributions to ensure appropriate levels of contribution for wider public realm improvements within the Borough's centres. Developer contributions that seek provision of new and / or improved public realm within the Borough's three main centres will be sought from developments within the centre boundaries, as well as development outside of the relevant boundaries that has an impact on the centres.
- 5.7.9 The Borough Council may also seek developer contributions for public realm schemes and improvements that are located outside of the main centres. Developer contributions sought on developments outside of the Borough's main centres will not be sought speculatively; they will be sought for known or planned public realm schemes. For developments occurring within the Borough's main centres, play and open space contributions will be utilised for public realm improvements.
- 5.7.10 Any developer contributions sought will be in accordance with the Borough Council's Developer Contributions Supplementary Planning Document. Further advice will also be available in the Borough Council's Public Realm Strategy Supplementary Planning Document.

Policy 10 Public Realm

All proposals for large scale development and / or refurbishment and / or regeneration, must incorporate high quality public realm on-site and / or contribute towards public realm improvements off-site. All proposals that propose new public realm or impact upon the existing public realm must ensure that the pedestrian is prioritised over other modes of transport and that materials and design are of the highest standards.

Development proposals that provide public realm schemes, as identified within the Town and District Centre Guidance will be, in principle, supported. The following schemes will be supported;

- Further improvements to the public realm within the centres of Wigston, Oadby and South Wigston;
- Improvements to the public transport facilities within the centres of Wigston, Oadby and South Wigston; and
- Extension and improvement of The Lanes in Wigston town centre.

All public realm redevelopment or improvements must follow the principles and guidance set out in the Council's Public Realm Strategy Supplementary Planning Document.

The Borough Council will use developer contributions as necessary to ensure appropriate contributions to wider public realm improvements, both within the Borough's main centres and outside of the centres.

Chapter Six – Housing Delivery

Housing Choices

- 6.1.1 The NPPF suggests that local planning authorities should deliver a wide choice of high quality homes; they should widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The Council also wants to provide the most appropriate housing solutions for all of its existing population, as well as those future populations aspiring to live within the Borough.
- 6.1.2 The Council will use the most up to date housing evidence base, including the Housing and Economic Development Needs Assessment, to identify the size, type, tenure and range of housing that is needed within the different communities within the Borough. Specific note will be taken of the need for bungalows and retirement accommodation within the Borough. Historically the Borough has seen very little new provision of retirement accommodation or bungalows, and would therefore, in principal, actively support the development of bungalows in appropriate locations.
- 6.1.3 New housing development should not only be ‘fit for purpose’ for its inhabitants, it should also be located in sustainable locations, close by to key services and facilities and should protect and exploit opportunities for sustainable transport use. As well as being situated within sustainable locations, any residential proposals (including change of use, subdivision or new build) will need to reflect the character of the local area and should not be ‘out of place’; for example it would be inappropriate to propose sub-division to flats of an existing residential property in an area characterised by family housing, likewise it would be inappropriate to propose development of a substantial detached dwelling in an area that is predominately characterised by smaller terraced or semi-detached dwellings. Proposals that seek to deliver new homes that are in character within the area it is located will be, in principle, positively supported.
- 6.1.4 The Council is committed to providing new homes that are ‘fit for purpose’ and promote healthy living conditions, and are appropriate for modern living and requirements. The Council will require all new homes, regardless of type or tenure, to be of a size that allows sufficient space for all of its proposed inhabitants to live comfortably and sustainably.
- 6.1.5 In particular, proposals for conversion, change of use, and / or sub-division of existing properties into flats / apartments must be of an appropriate size suitable for modern living standards. Given that the Council has recently received a number of proposals for the conversion, change of use, and / or sub-division of existing properties into residential units, which are not of a size that is appropriate for modern living, the Council requires that any proposal for conversion, change of use and / or sub-division takes into account the Governments Technical Housing Standards.

Policy 11 Housing Choices

All residential development must contribute towards delivering a mix of dwelling types, tenures and sizes that meet the identified needs (and / or demand) of the communities within the Borough. All new residential development proposals must demonstrate how they contribute to achieving the identified needs as set out within the Housing and Economic Development Needs Assessment.

In addition, on all new large scale residential developments (11 dwellings and more) the proposal shall contain an appropriate housing mix having regard to the nature of the development site, character of the surrounding area, the most up to date evidence of need, as well as the existing housing mix of the immediate area.

Where a development is otherwise acceptable but an independent viability appraisal demonstrates that certain policy standards cannot be achieved, the Council will work with the applicant to ascertain whether there are alternative approaches that would deliver the desired policy outcomes. If the Council requires its own independent viability assessments to verify outcomes of the applicants assessment, it will be at the applicants cost.

The Council will support the development of bungalows, student halls of residence, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations.

All residential proposals will need to respect the character of the area in which they are located. Sub-division of plots and / or existing residential properties that are 'out of character' within the locale will be refused, unless the benefits of any proposed development outweigh the negative impact.

All residential proposals for conversions, sub-division and / or changes of use will be determined on a case by case basis, and must take into account the Government's Technical Housing Standards.

Housing Density

- 6.2.1 The Borough of Oadby and Wigston is a small, compact, urban authority area that is directly adjacent to and shares a boundary with Leicester City. Its urban areas also sit entirely within the Leicester PUA.
- 6.2.2 With the authority area being compact in size and being majority urban in nature, building new homes to higher densities is key. Being relatively small in size (to put the size of the Borough into context, when looking at extent of the realm measurements in hectares, (on the 31st December 2013) the Office for National Statistics suggested that out of the 406 UK Local Authority Districts, the Borough of Oadby and Wigston is the 11th smallest; however when discounting the eight London Borough's within the eleven it is the 3rd smallest behind the Isles of Scilly and Watford) the Borough area has a finite supply of land on which development can be situated, therefore making the most efficient use of this land is paramount.
- 6.2.3 To ensure the development of new homes is concentrated within the most appropriate and sustainable locations, the Council is seeking a higher density within the town centre of Wigston and the district centres of Oadby and South Wigston. Seeking higher densities within built up centre locations will concentrate residential development close to essential services and jobs, and will reduce the need to travel by motor vehicle.
- 6.2.4 Concentrating housing within the more urbanised areas of the Borough will positively affect the local economy as there will be more people closely located to existing retail, service and leisure facilities. The Council is aware that a higher figure would not be appropriate throughout the entire Borough area, therefore, through this Plan is reducing the density figure on a 'sliding' scale outside of the main centre boundaries. This is to allow for flexibility relating to location, as well as responding to the distinct character areas of the Borough.
- 6.2.5 It must be noted that if development occurs outside of the Leicester PUA, once complete, the full extent of the development becomes part of the Leicester PUA and therefore would be subject to different policy.

Policy 12 Housing Density

The Council is committed to delivering new homes in an effective and efficient manner. The Council is also committed to locating people close to much needed services and facilities as well as jobs. To ensure that the Borough provides the required number of homes for its communities, the Council will adopt the following density targets on all new development sites that involve the provision of new homes.

Proposed development sites that have a gross site size of 0.3 hectares and larger and are located within the town centre boundary of Wigston or the district centre boundaries of Oadby and South Wigston will be required to achieve an average density of at least 50 dwellings per hectare.

Proposed development sites that have a gross site size of 0.3 hectares and larger and are located outside of the town centre boundary of Wigston or district centre boundaries of Oadby and South Wigston, but within the Leicester PUA will be required to achieve an average density of at least 40 dwellings per hectare.

Proposed development sites that have a gross site size of 0.3 hectares and larger and are not situated within any of the above locations will be required to achieve an average density of at least 30 dwellings per hectare.

Where a development is otherwise acceptable but an independent viability appraisal and / or an independent character and design appraisal demonstrates that the required density cannot be achieved, the Council will work with the applicant to ascertain whether there are alternative approaches. If the Council requires its own independent viability assessments to verify outcomes of the applicants assessment, it will be at the applicants cost.

Affordable Housing

- 6.3.1 The Borough of Oadby and Wigston is a relatively unique local authority area compared to other local authority areas within the Leicester and Leicestershire Housing Market Area. There are three distinct settlement areas all of which have very different socio-economic profiles as well as land values. In general, Oadby has the highest land values of the three settlements, with Wigston having the second highest and South Wigston the lowest.
- 6.3.2 According to the latest Housing and Economic Development Needs Assessment that has been undertaken for the Leicester and Leicestershire Housing Market Area the Borough has an identified Affordable Housing need. The Council has also identified delivery of affordable housing as one of its priorities because it recognises the important role it plays in providing homes for all within the community. Because of this, the Council required specific detailed evidence base relating to affordable housing provision within the Borough area.
- 6.3.3 The Council therefore commissioned an Affordable Housing Viability Assessment that sought to provide the Council with evidence relating to an appropriate affordable housing threshold by which to require affordable housing provision on a development site and an appropriate percentage of affordable housing provision should a development proposal meet the prescribed threshold. The Council's Core Strategy sought provision of affordable housing on all sites of 10 or more dwellings; therefore this was taken as the starting point for the assessment.
- 6.3.4 The assessment was undertaken by Andrew Golland Associates and concluded that although there was evidence to suggest that the affordable housing site threshold could be set lower than the Core Strategy's threshold of 10, national policy and guidance sets the threshold at 11 or more. Although there was evidence to suggest a lowering of the previous threshold, it was concluded that the Council would use the nationally set threshold 11 or more when requiring affordable housing provision on a residential development site.
- 6.3.5 Relating to the provision of affordable units on a development site once the threshold was met, the assessment concluded that a split target should be sought due to the large difference in land values in different parts of the Borough. The assessment suggested the following splits should be applied to each of the Borough's settlements.
- 10 per cent of the total number of units should be affordable for sites located within the settlement of South Wigston,
 - 20 per cent of the total number of units should be affordable for sites located within the settlement of Wigston, and
 - 30 per cent of the total number of units should be affordable for sites located within the settlement of Oadby.
- 6.3.6 The provision of Starter Homes on 'qualifying' sites will be done so in conformity with the national government guidance and policy at the time of consideration of the planning proposal. The Housing and Planning Act 2016 suggests that affordable housing includes starter homes within its definition. The Act also sets out the definition of a starter home. For the purposes of this local policy, the definition for starter homes will be consistent with that set out within the Housing and Planning Act 2016.
- 6.3.7 Further information relating to the provision targets and site thresholds of Affordable Housing can be found in the Council's latest Affordable Housing Viability Assessment. The policy and supporting text should also be read in conjunction with the Planning Obligations

policy contained in this Plan and the Developer Contributions Supplementary Planning Document.

Policy 13 Affordable Housing

The Council is committed to the provision of appropriate housing for the whole community, therefore will require affordable housing on all new residential developments of 11 dwellings or more to meet identified local need.

Development will be permitted provided that at least the following percentages for affordable housing are met:

- Oadby – 30 per cent of the total number of units
- Wigston (including Kilby Bridge) – 20 per cent of the total number of units
- South Wigston – 10 per cent of the total number of units

A cumulative approach to affordable housing on a residential site will apply regardless of the number of different associated planning applications.

There is no maximum number of affordable housing units that can be provided on a site. Also the 11 dwelling threshold does not restrict proposals providing affordable housing on sites of fewer than 11 units.

Proposals for residential development that meet the 11 dwelling threshold but do not provide any affordable housing will be refused unless an appropriate off-site contribution is provided in lieu of the required number.

Where a development is otherwise acceptable but an independent viability appraisal demonstrates that certain policy standards cannot be achieved, the Council will work with the applicant to ascertain whether there are alternative approaches. If the Council requires its own independent viability assessments to verify outcomes of the applicants assessment, it will be at the applicants cost.

With the provision of affordable housing remaining a priority for the Council, should a site be proposed for 100 per cent of the units classed as affordable homes, the Council may take a flexible approach to other developer contributions.

Regarding the tenure split of affordable housing the Council will generally seek 80 per cent affordable rent and 20 per cent shared ownership, however will respond to local need at the time of determining a relevant planning proposal.

Self Build and Custom Build

- 6.4.1 The Self Build and Custom Housebuilding Act 2015 places a duty on the Council to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to provide self-build and custom house building projects and to place a duty on certain public authorities to have regard to these registers when carrying out planning and other functions.
- 6.4.2 The Council will ensure that a list is maintained of all those who have registered an interest in Self Build and Custom Housebuilding and will notify such if an appropriate plot of land becomes available.
- 6.4.3 Through the planning application process, the Council will actively support the provision of Self Build and Custom Build plots if there is a need to do so.

Policy 14 Self Build and Custom Build

To ensure that the housing mix within the Borough reflects the needs of its communities, the Council will support the provision of Self Build and Custom Build serviced plots on all sites, provided that proposals satisfy all other relevant policies within this Plan.

In line with national legislation, the Council will keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward Self Build and Custom Build housing projects.

Urban Infill Development

- 6.5.1 The NPPF sets out the 12 core planning principles, one of which being to encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The definition of previously developed land excludes residential garden land or any other open amenity space around buildings. The majority of previously developed land within the Borough is situated within the built up urban areas. It is this land that can be subject to urban infill development proposals.
- 6.5.2 Urban infill development is classed as development occurring on sites located within the defined urban area of the Borough, usually situated between existing buildings. The NPPF suggests that local planning authorities should resist inappropriate development of garden land that would, for example cause harm to the local area.
- 6.5.3 With the Borough being relatively compact and urban in nature, appropriate infill development has consistently come forward year on year and it makes a valuable contribution towards the Council's provision of, both, residential and other uses. Through local planning policy, the Council will manage inappropriate infill development that has a detrimental impact on the locale in which it is proposed. The Council will also manage development that seeks to split existing residential plots.
- 6.5.4 Although, in principle the Council would encourage proposals that seek appropriate infill development, any proposal would need to be suitably situated and be of a sustainable design and construction. All development proposals would also need to conform to all other relevant policies within this Plan.
- 6.5.5 The Council's Landscape Character Assessment sets out guidance for each of the Urban Character Areas of the Borough and should be taken into account in any development proposals.

Policy 15 Urban Infill Development

Within the urban areas of the Borough, proposals for infill development on previously developed land that are of high quality design, improve the character of the locale, do not have any adverse effect on / or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be supported.

Any proposal for development on residential garden land or any other open amenity space around buildings will not be permitted unless it conforms to the guidance set out within the Council's Landscape Character Assessment.

Proposals that split existing residential plots and propose development on the garden land of and / or open amenity space of existing plots will not be granted planning permission unless the proposal sits comfortably, is consistent with, in character with, and respects the direct existing street scene in which it is situated. The Council will not accept development proposals that 'over develop' a site from its original intended or existing use.

Development proposals would also need to illustrate high quality design and use of materials that are consistent with the character of the area and the existing properties in the direct area.

Gypsies, Travellers and Travelling Showpeople

6.6.1 It is important to provide for the accommodation needs of Gypsies, Travellers and Travelling Showpeople within the wider context of meeting identified local housing needs. There are distinct differences in the culture and way of life of Gypsies and Travellers, and Travelling Showpeople. For this reason Planning Policy for Traveller Sites (DCLG, 2015) provides two separate definitions:

Gypsies and Travellers:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

Travelling Showpeople:

'Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.'

6.6.2 A Gypsies' and Travellers' Accommodation Needs Assessment has been prepared in partnership with other authorities in Leicester and Leicestershire to help understand the latest accommodation needs for Gypsies and Travellers, and Travelling Showpeople within the Leicester and Leicestershire local authorities involved. Oadby and Wigston Borough Council was one of the local authorities involved.

6.6.3 The needs assessment mentioned above has an identified need for the Borough of 0 (zero), both for static and transit pitches.

6.6.4 This criteria based policy for the provision of Gypsies, Travellers and Travelling Showpeople should be used to guide the allocation of sites to meet identified needs where they are identified. The policy seeks to ensure that sites are accommodated in sustainable locations with access to a range of essential services, such as education, healthcare, welfare, shops, water and sewerage facilities, where possible.

Policy 16 Gypsies, Travellers and Travelling Showpeople

The Council will identify sufficient land to accommodate Gypsy and Traveller needs should evidence suggest a need to do so. Should a need be identified that requires the identification of land for Gypsy and Traveller pitches, the following criteria will apply:

- Sites must be accessible, by a range of transport modes, to essential local services and facilities, including shops, schools and GP surgeries.
- Sites must preferably be located within or adjacent to the Leicester PUA.
- Sites must have formal safe access to the highway network, and must have sufficient parking provision on site.
- Sites must be (or have the opportunity to be) served by adequate water and sewerage services / facilities.

- Sites must not be located within Flood Zones 2 or 3.
- Sites must not be situated on contaminated land or within areas with poor ambient air quality.
- Sites must be incorporated and integrated into the surrounding area through high quality design.
- Sites will not have an unacceptable impact on adjoining / neighbouring properties and / or land uses.
- Sites will not have adverse impacts on environmentally sensitive areas, areas of historic or heritage interest, or areas of landscape character importance.

Any proposal for Gypsy and Traveller site provision must also conform to current national policy and guidance.

Chapter Seven – Allocations and Regeneration Opportunity Areas

Kilby Bridge Settlement Envelope

- 7.1.1 Kilby Bridge is the Borough's only rural settlement and is located in the floodplain of the River Sence, in the southernmost part of the Borough. The settlement currently contains uses that are not complementary to the existing character of the settlement and rural area. Therefore, it is important that only appropriate development, such as small scale residential (up to 40 new additional homes across the whole settlement envelope), leisure, tourism and canal based development occurs within the settlement in the future.
- 7.1.2 Within the proposed Settlement Envelope (as illustrated in the Council's Adopted Policies Map), small scale regeneration masterplans should be prepared for any proposed development and should take account of the local environs, including The Grand Union Canal, Limedelves Site of Special Scientific Interest, Barn Pool Meadow Local Wildlife Site and its associated Regionally Important Geological Site and linkages between the Wigston Direction for Growth and Kilby Bridge. It is extremely important that such assets are conserved and enhanced where possible. The Grand Union Canal's designation comprises the canal and all canal related facilities, including towpaths, boatsheds, wharfs, mileposts, bollards, local keepers cottages, ponds and clay pits.
- 7.1.3 Development proposals should take into account the potential impact of climate change on water resources, water quality and on the level of flood risk posed. Development should be sustainable without increasing the risk of flooding elsewhere. The Environment Agency's Flood Zone maps indicate that the north and west of the settlement is at risk of flooding and is within or in close proximity to a Flood Zone 3 area. Any proposal for the development of this site will require consultation with the Environment Agency and should be accompanied by a Flood Risk Assessment to demonstrate compliance with sequential and exception tests where appropriate.
- 7.1.4 The River Soar and Grand Union Canal Strategy suggested that Kilby Bridge, together with South Wigston or Blaby, could become South Leicestershire's 'Waterway Hub' and that there are possibilities to unlock the leisure and tourism potential in this area. The Council would in principle encourage the development of a marina within the Kilby Bridge area, along the canal.
- 7.1.5 Proposals that seek to accommodate small scale A1, A2, A3 and/or A4 uses that are related to the canal use and / or small craft workshops or similar, where the products which are made and sold on site, would be in principle supported. Proposal to encourage recreational uses for local residents, cyclists and equine and small scale diversification activities such as small rural business and leisure uses may also be appropriate, provided the supportive infrastructure can be accommodated on site. Small scale residential proposals will also be deemed acceptable, although the proposal should fundamentally seek to be complementary to the existing surroundings and sensitive to existing landscape and historic features. Any development must ensure that there is no significant detrimental impact on the existing highway network.

Policy 17 Kilby Bridge Settlement Envelope

The Council will in principle support small scale development proposals within the defined Settlement Envelope of Kilby Bridge as shown on the Council's Adopted Policies Map. Any residential development proposed within the defined envelope must be small scale (up to 40 new additional homes across the whole settlement envelope) and delivered at a minimum of 30 dwellings per hectare.

All development proposals will need to take account of the rural and historic landscape, as well as the distinctive character of the Grand Union Canal Conservation Area and views across open countryside. All proposals must give careful consideration to the proposed scale of the development and in particular, take account of the impact that any scheme may have upon this rural 'gateway' into the Borough.

The key objectives of the Kilby Bridge Settlement Envelope are to:

- Maintain the open, attractive, and rural setting;
- Retain and enhance public access to the Grand Union Canal; River Sence; and the Kilby-Foxton Site of Special Scientific Interest (SSSI);
- Conserve and enhance the Grand Union Canal Conservation Area;
- Deliver small scale sustainable residential development(s) that will provide a range of housing types, unit sizes and tenures whilst retaining the distinctive landscape and historic character through designing attractive schemes that will complement this gateway location;
- Protect the existing local economy, as well as to enhance it through delivering small scale outdoor leisure, recreation and tourism development;
- Give consideration to the incorporation of small scale 'starter' units for suitable rural businesses; and
- Provide publicly accessible open space on land to the east of the settlement boundary, between the railway line to the north, Grand Union Canal to the south and the SSSI to the east.

The Council will encourage early engagement with regards to any potential scheme, together with the submission of a detailed masterplan illustrating the proposed scale, design, layout, mix of dwellings, tenure and an appreciation for how the wider issues including transport, accessibility and mitigation of potential impacts will be taken into account.

All development proposals within Kilby Bridge Settlement Envelope will need to conform to other relevant policies within this Plan.

Stoughton Grange Direction for Growth Allocation and Oadby Cemetery Allocation

Stoughton Grange Direction for Growth Allocation

- 7.2.1 Stoughton Grange Direction for Growth Allocation is formed of two distinct parts; the former Stoughton Grange Farm Park, to the north of Gartree Road and the greenfield land to the south of Gartree Road and the west of Stoughton Road. The former farm park is currently utilised by a number of small independent businesses. The Stoughton Grange Direction for Growth Allocation forms a direct extension to the Leicester PUA to the north of Oadby and supports the role of Oadby district centre as the Borough's second largest centre which is a key aspiration of the Council and a spatial objective within this Plan.
- 7.2.2 The growth area is situated in one of the most northerly parts of the Borough. The growth area is adjacent to large areas of former park land and formal gardens to the north that were associated with the former Stoughton Grange Hall. These form a particularly important characteristic in establishing the setting and the character of the area and must be protected and enhanced.
- 7.2.3 The entire growth area has historically been designated as land within the Green Wedge; however the Council's most recent Green Wedge Review has identified the Direction for Growth Allocation as potential release land. A Green Wedge Review was undertaken by the Council due to the need for additional growth.
- 7.2.4 To the north and west of the growth area, land is designated as Countryside and Green Wedge outside the Borough in Harborough District. The Green Wedge designation will remain to the east of the site that is currently in use as the University of Leicester's playing fields as well as arable land. Part of the growth area consists of the proposed transport route (known formerly as the Eastern District Distributor Road). This proposed transport route will be maintained as part of any development on this growth area.
- 7.2.5 The growth area is also adjacent to a number of privately owned buildings that have statutory listings. Grange Cottage, Lodge Cottage and South Lodge are all Grade II listed buildings. To the north east of the site in Harborough District is Stoughton Conservation Area, a scheduled monument and numerous Listed Buildings. There are also other heritage assets at Evington to the north west and Stoughton to the north east. These heritage assets will need to be taken into account and protected through any proposed development of the growth area.
- 7.2.6 The Council has allocated the Stoughton Grange Direction for Growth Allocation for a residential led mixed use development consisting of at least 300 new homes. For the greenfield land area to the south of Gartree Road, the Council would expect two access points, one from Gartree Road to the north and one from Stoughton Road to the east. For the land area to the north of Gartree Road, at least one access point onto Gartree Road would be expected.
- 7.2.7 Due to the size of the Direction for Growth Allocation, detailed transport assessments will be required to assess the impact on traffic generation (specifically generated by the proposal site) on the key junctions within the vicinity of the site, specifically at Stoughton Road / Harborough Road, Gartree Road / Stoughton Road, Shady Lane / Gartree Road, Manor Road / Stoughton Road / Manor Road Extension, and Stoughton Drive South / Gartree Road. Such specific work will be the land promoter's responsibility. Any detailed transport assessment should use the South East Leicestershire Transport Study as its

starting point, and should take into account the necessary mitigation measures identified by the study. Subject to the outcomes of this specific transport assessment work and collaboration with Leicestershire County Council Highways department (and Leicester City Council Highways department, where relevant), off site transport infrastructure or financial contributions towards off site transport infrastructure will be required to make the development sustainable. Required Infrastructure relating to this growth area will be that agreed by Leicestershire County Council Highways department and the Borough Council.

- 7.2.8 The land area to the north of Gartree Road will be mixed use and will consist of new small scale residential, and a mix of small scale A1, A2, A3, A4 and any other appropriate small scale uses. .
- 7.2.9 The size of the development would require other specific infrastructure; the requirements are set out in the policy below and include;
- 30 per cent affordable housing provision
 - contribution towards an existing and / or new community facility building within Oadby.
 - provision towards new education facilities, and
 - onsite open space, consisting of allotments, sports pitches, play areas and structural landscaping
- 7.2.10 Development proposals should take into account the potential impact of climate change on water resources, water quality and on the level of flood risk posed. Development should be sustainable without increasing the risk of flooding elsewhere. The Environment Agency's Flood Zone maps indicate that the northern most part of the site is at risk of flooding and is in close proximity to a Flood Zone 3 area. Any proposal for the development of this site will require consultation with the Environment Agency and should be accompanied by a Flood Risk Assessment to demonstrate compliance with sequential and exception tests where appropriate.
- 7.2.11 The Council will support provision of self and custom build homes as part of the delivery of 300 new homes. There is currently 5 individuals on the Council's self and custom build register that have suggested Oadby (or anywhere within the Borough) as being an appropriate location for a self and custom build plot. The Council would also actively encourage the provision of a mix of residential house types, including bungalows and flats.
- 7.2.12 Recreational uses for local residents cyclists and, equine and small scale diversification activities such as small rural business and leisure uses may also be appropriate, provided the supportive infrastructure can be accommodated on site. Any proposal should fundamentally seek to be complementary to the existing surroundings and sensitive to existing landscape features.
- 7.2.13 The Stoughton Grange Direction for Growth Allocation is identified on the Council's Adopted Policies Map.

Oadby Cemetery Allocation

- 7.2.14 This direction for growth allocation also includes a separate allocation for cemetery and burial uses. The land allocation is a direct extension of the existing cemetery and burial allocation, allocated by the Council within the previous Saved Local Plan and Core Strategy.

7.2.15 The existing cemetery and burial space within the Borough, is due to reach capacity within the Plan period, therefore the Council is allocating this land to meet future need. Should a cemetery or burial proposal for the allocation site come forward it would need to be sufficiently evidenced and justified. Evidence would need to detail the current and proposed ground conditions, the size and scale of any development, as well as its need, impact and use. Access into the proposed site, as well as any impact on the direct highway network would also need to be assessed against any proposal put forward. Such assessment(s) would be required to support any masterplan proposal or planning application submission.

7.2.16 The Oadby Cemetery Allocation is identified on the Council's Adopted Policies Map.

Policy 18 Stoughton Grange Direction for Growth Allocation and Oadby Cemetery Allocation

Stoughton Grange Direction for Growth Allocation

The Council will allocate land to the north of the Borough in Oadby, for the Stoughton Grange Direction for Growth Allocation.

The Council will in principle support new development proposals that create a sustainable, well designed and high quality development that is sensitive to its surroundings and will not have a detrimental impact on the surrounding Green Wedge and Countryside and will conserve and better reveal the historic significance of the site including its listed buildings, and archaeological remains, in particular those relating to the former Stoughton Grange Hall and surviving elements of its designed landscape and planting.

Any development proposed within this growth allocation would require the production of a detailed masterplan. The following elements will be required on-site or via an off-site contribution where stated:

- safeguarding of the potential transport route (former Eastern District Distributor Road);
- at least 300 new homes, of which at least 30 per cent must be affordable;
- land area to the north of Gartree Road will be mixed use and will consist of new small scale residential, and a mix of small scale A1, A2, A3, A4 and any other appropriate small scale uses;
- at least two vehicular access points, one off Gartree Road and one off Stoughton Road, for the land area to the south of Gartree Road;
- at least one access point off Gartree Road for the land area to the north of Gartree Road;
- off-site contribution towards an existing and / or new community facility building in Oadby;
- off-site contribution towards new education facilities;
- on-site open space (unless alternative off-site provision is justified in whole or in part), consisting of allotments, sports pitches, play areas and structural landscaping in accordance with the Open Space, Sport and Recreation Facilities policy of this Plan;
- provision of an appropriate number of bus stops and associated infrastructure, including bus shelters and information display boards onsite as well as off-site, to allow for this sustainable method of public transport;

- provision of any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths on-site as well as off-site; and
- off-site transport infrastructure or financial contributions towards off-site transport infrastructure will be required to make the development sustainable.

Any proposal for development of this growth allocation will be required to conform to all other relevant policies set out within this Plan and must be accompanied by a Heritage Impact Assessment. Any proposal would also be required to submit a detailed Transport Assessment as part of any planning application to ensure that Leicestershire County Council Highways Department can fully assess any traffic / transport implications stemming from the development.

The Stoughton Grange Direction for Growth Allocation is identified on the Council's Adopted Policies Map.

Oadby Cemetery Allocation

The Plan allocates land to the north of the Borough in Oadby for cemetery and burial uses.

Any cemetery or burial proposal for the allocation site would need to be sufficiently evidenced and justified in terms of ground conditions and its size, scale, need, impact and use. The impact on the direct highway network would also need to be assessed against any proposal put forward. The Oadby Cemetery Allocation is identified on the Council's Adopted Policies Map.

Oadby Sewage Treatment Works

- 7.3.1 The Oadby Sewage Treatment Works (Sui Generis Use Class) is currently in active use by Severn Trent Water, but it has been demonstrated to the Council that the works will become surplus to requirements over the lifespan of this Plan. Due to this, the Plan allocates this land area for employment use development. The land area will form an extension to the existing Kenilworth Drive Identified Employment Area and is illustrated on the Council's Adopted Policies Map.
- 7.3.2 Any proposal for redevelopment of the site, will be required to appropriately assess biodiversity, ecology, flood risk and contamination, and will need to mitigate (if necessary). Any proposal will also need to ensure adequate vehicular access arrangements, as well as promote sustainable transport modes. A transport assessment will also be required to assess the impact on the local road network close to the site.
- 7.3.3 The Oadby Sewage Treatment Works is approximately 2.67 hectares in size and is located adjacent to Kenilworth Drive Identified Employment Area; Leicester Racecourse; the Borough Council's Depot; and, Leicestershire County Council's Recycling and Household Waste Site. The site is also adjacent to the Oadby and Wigston Green Wedge. Access is possible from the existing road off the B582 Wigston Road, or via a limited access entrance in the south-east corner of the site.

Policy 19 Oadby Sewage Treatment Works

The Council will allocate the site for employment land use development (use classes B1, B2 or B8). The land area will form an extension to the existing Kenilworth Drive Identified Employment Area and is illustrated on the Council's Adopted Policies Map.

Any proposal for redevelopment must create a sustainable, well designed and high quality scheme. The applicant will be required to produce a masterplan illustrating how the wider issues including accessibility, impacts on the local highway network, impacts upon the surrounding Green Wedge, impacts on flood risk and mitigation of potential contamination will be taken account of and mitigated if necessary.

Any proposal must provide an appropriate number of bus stops and associated infrastructure, including bus shelters and information display boards on-site as well as off-site, to allow for this sustainable method of public transport.

Any proposal must provide any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths, on-site as well as off-site.

Off-site transport infrastructure or financial contributions towards off site transport infrastructure may be required to make the development sustainable.

All development proposals will need to conform to other relevant policies within this Plan.

Wigston Direction for Growth Allocation

- 7.4.1 The Wigston Direction for Growth Area forms a direct extension to the Leicester PUA to the south east of Wigston. The Wigston Direction for Growth Area was originally defined within the Council's Core Strategy. In 2016, a scheme for 450 new homes and 2.5 hectares of new employment land (and associated other infrastructure) was granted planning permission by the Council. The granted permission included the provision of two access points, one to the north, directly on to Newton Lane and one to the south, directly on to Welford Road. Both points of access consist of a roundabout. For the purposes of this Local Plan, this granted permission for the Wigston Direction for Growth Area forms 'Phase 1'.
- 7.4.2 As well as the above mentioned, Phase 1 includes;
- 20 per cent (90 new dwellings) affordable housing provision
 - a new community facility building
 - provision towards new education facilities, and
 - onsite open space, consisting of allotments, sports pitches, play areas and structural landscaping
- 7.4.3 The location of the Wigston Direction for Growth Area was chosen due to its proximity to the Borough's main town centre of Wigston and its public transport links into Leicester City. Supporting the role of Wigston as the Borough's main town centre directly contributed towards the Vision and Spatial Objectives of the Core Strategy. This is still a key aspiration of the Council and forms a spatial objective within this Plan. Further development at the Wigston Direction for Growth Area will continue to support this.
- 7.4.4 This Plan allocates additional land within the Wigston Direction for Growth Area to accommodate further new homes (600 homes) and further new employment accommodation (2.5 hectares) (Phase 2). Through the development of both Phase 1 and Phase 2 of this Direction for Growth Allocation, the Council is expecting the delivery of approximately 1,000 new homes and in the region of 5 hectares of new employment land. The cumulative size of such a development would require other specific infrastructure; the requirements are set out in the policy below, and include;
- provision of a new primary school
 - formation of a new local centre
 - provision of a new community facility building, and
 - provision of outdoor sports space and open space
- 7.4.5 The elements mentioned have previously been subject to a public consultation in the form of a masterplan produced by the land promoters.
- 7.4.6 The provision of a new primary school onsite will be achieved through close collaboration between the land owner / developer and Leicestershire County Council's education department. The new primary school will be provided to the specification agreed by Leicestershire County Council's education department and will include the appropriate provision of vehicular and cycle parking and access associated to this specific use.
- 7.4.7 The onsite local centre, new community facility building, primary school and outdoor sports and open space provision should be located within the same area, to create a 'community' hub at the heart of the development. It would be expected that the community facility

building would incorporate changing facilities directly related to the provision of outdoor sport, and would be built to the standards and specification as agreed by the Borough Council and Sport England. Sport England guidance, for example Village and Community Halls Design Guidance Note, should be taken into account through the design stage of the community facility building.

- 7.4.8 The local centre would consist of a minimum 3 units, to ensure that it meets the Council's definition of a local centre. With the hub being at the heart of the development it is expected that the units provided as part of the local centre would consist of A1, A3 and A4 uses as defined by the Town and Country Planning Use Classes Order. The hub area will also include the appropriate provision of vehicular parking and access associated to these specific uses. It is also expected that the hub area will have high quality pedestrian links with the wider development, as well as good public transport links with the rest of the Borough and beyond.
- 7.4.9 There may be opportunity to consolidate the school building and community facility building, provided that the two uses could operate independently from one another.
- 7.4.10 It should be noted that the Council is aware that such a cumulative approach to the development could require amendments to the existing Section 106 agreement relating to Phase 1. The Council will work collaboratively with the land owner to amend the Section 106 as deemed necessary.
- 7.4.11 The delivery of approximately 1,000 new homes and 5 hectares of employment land will contribute positively to the delivery of the Plan period targets, as set out in the Spatial Strategy for Development in the Borough Policy 2.
- 7.4.12 Due to the size of the Direction for Growth Area (both phases) detailed transport assessments will be required to assess the impact on traffic generation (specifically generated by the proposal site) on the key junctions within the vicinity of the site, including the junction at Welford Road / Bull Head Street / Moat Street / Newton Lane, the junction at Bull Head Street / Wakes Road / Oadby Road, and the junction at Bushloe End / Long Street / Moat Street. Such specific work will be the land promoter's responsibility. Any detailed transport assessment should use the South East Leicestershire Transport Study as its starting point, and should take into account the necessary mitigation measures identified by the study. At least two accesses (at least those already granted planning permission) into the site will be required to accommodate the level of vehicle movement, not only for residential use but also vehicle use associated with the employment land. Such specific work will be the land promoter's responsibility. Subject to the outcomes of this specific transport assessment work and collaboration with Leicestershire County Council Highways department, off site transport infrastructure or financial contributions towards off site transport infrastructure could be required to make the development sustainable. Required infrastructure relating to this growth area will be that agreed by Leicestershire County Council Highways department, Leicester City Council Highways department and the Borough Council.
- 7.4.13 This growth area is situated within easy walking distance of the settlement of Kilby Bridge and the leisure opportunities associated with the Grand Union Canal and River Sence. It will relate directly to the Strategic Objectives of promoting healthy lifestyles by encouraging walking and cycling subject to creation of appropriate cycle ways and pedestrian routes within the development that link to Kilby Bridge.

- 7.4.14 The provision of new housing located close to new employment directly relates to the Spatial Objectives that seek new employment opportunities within the Borough that has better access to the highway network, and the Council seeking to increase the accessibility of the Borough, as well as promoting more sustainable modes of transport.
- 7.4.15 The Council will support provision of self and custom build homes as part of the delivery of 1,000 new homes. There is currently 4 individuals on the Council's self and custom build register that have suggested Wigston (or anywhere within the Borough) as being an appropriate location for a self and custom build plot. The Council would also actively encourage the provision of a mix of residential house types, including bungalows and flats.
- 7.4.16 Phase 2 of the Wigston Direction for Growth Area is identified on the Council's Adopted Policies Map.
- 7.4.17 Subject to appropriate testing, in particular highway and transport infrastructure capacity, and liaison with the Borough Council and Leicestershire County Council Highways department, should evidence suggest a need to do so in the future, further development could occur within this growth area beyond this Plan period, subject to the development being sensitive to the countryside areas that surround it and sustainable and appropriate in size and facility provision. This will be Plan led and will be considered through a future review of this Plan.

Policy 20 Wigston Direction for Growth Allocation

The Council will expand the current Wigston Direction for Growth Area. The Council will allocate further land at the Wigston Direction for Growth Area for 'Phase 2' development.

Through the Council's previous Plan and subsequent granted planning permission, 'Phase 1' of the Direction for Growth Area in Wigston consists of 450 new homes and 2.5 hectares of new employment land.

In 'Phase 2', this Plan allocates land for at least 600 new homes and in the region of 2.5 hectares of employment land.

Development proposed within 'Phase 2' of the Wigston Direction for Growth Area is in addition to 'Phase 1' and will require the production of a detailed masterplan. The following elements will be required on-site or via an off-site contribution where stated:

- at least 600 new homes, which at least 20 per cent must be affordable;
- in the region of 2.5 hectares of new employment land;
- a new primary school;
- a roundabout (vehicular) site access from Welford Road;
- a link road through the site allowing all parts of the site (including Phase 1) to be accessed from Newton Lane and Welford Road;
- formation of a new Local Centre – that contributes towards the provision of A1, A3 or A4 uses;
- a community facility building (including changing facilities);

- on-site open space (unless alternative off-site provision is justified in whole or in part), consisting of allotments, sports pitches, play areas and structural landscaping in accordance with the Open Space, Sport and Recreation Facilities policy of this Plan;
- provision of an appropriate number of bus stops and associated infrastructure, including shelters and information display boards on-site as well as off-site, to allow for this sustainable method of public transport; and
- provision of any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths, on-site as well as off-site.

Any proposal for development of 'Phase 2' will be required to conform to all other relevant policies set out within this Plan. Any proposal would also be required to submit a detailed Transport Assessment as part of any planning application to ensure that Leicestershire County Council Highways Department can fully assess any traffic / transport implications stemming from the development.

Cottage Farm Direction for Growth Allocation

- 7.5.1 The Cottage Farm Direction for Growth Area forms a direct extension to the Leicester PUA and is situated towards the south east of Oadby, along the A6. The growth area in its entirety will consist of up to 400 new homes (and associated other infrastructure), however 150 new homes have already been granted planning permission. The granted permission provides for a single traffic light controlled access onto the A6. For the purposes of this Plan, this granted permission for the Cottage Farm Direction for Growth Area forms 'Phase 1'.
- 7.5.2 As well as the abovementioned, 'Phase 1' includes;
- 30 per cent (45 new dwellings) affordable housing provision
 - provision towards new education facilities, and
 - onsite open space, consisting of allotments, sports pitches, play areas and structural landscaping
- 7.5.3 The Cottage Farm Direction for Growth Area supports the role of Oadby district centre as the Borough's second largest centre which is a key aspiration of the Council and a spatial objective within this Plan.
- 7.5.4 This Plan allocates additional land at the Cottage Farm Direction for Growth Area to accommodate a further 250 new homes (Phase 2).
- 7.5.5 Due to the size of the Direction for Growth Allocation, detailed transport assessments will be required to assess the impact on traffic generation (specifically generated by the proposal site) on the key junctions within the vicinity of the site, specifically at Glen Gorse Roundabout, Glen Road / Florence Wragg Way Roundabout, Glen Road / Ash Tree Road, and Glen Road / Harborough Road / London Road / Waldron Drive. Such specific work will be the land promoter's responsibility. Any detailed transport assessment should use the South East Leicestershire Transport Study as its starting point, and should take into account the necessary mitigation measures identified by the study. Subject to the outcomes of this specific transport assessment work and collaboration with Leicestershire County Council Highways department, off site transport infrastructure or financial contributions towards off site transport infrastructure could be required to make the development sustainable. Required Infrastructure relating to this growth area will be that agreed by Leicestershire County Council Highways department and the Borough Council.
- 7.5.6 It should be noted that the Council is aware that such a cumulative approach to the development could require amendments to the existing Section 106 agreement relating to 'Phase 1'. The Council will work collaboratively with the land owner to amend the Section 106 as deemed necessary.
- 7.5.7 The delivery of up to 400 new additional homes will contribute positively towards the delivery of the Plan period target, as set out in the Spatial Strategy for Development in the Borough Policy 2.
- 7.5.8 The Council will support provision of self and custom build homes as part of the delivery of Phase 2. There is currently 5 individuals on the Council's self and custom build register that have suggested Oadby (or anywhere in the Borough) as being an appropriate location for a self and custom build plot. The Council would also actively encourage the provision of a mix of residential house types, including bungalows and flats.

7.5.9 The cumulative size of the development would require other specific infrastructure; the requirements are set out in the policy below and include;

- provision of affordable housing at 30 per cent
- contribution towards an existing and / or new community facility in Oadby, for example Coombe Park pavilion
- provision towards new education facilities, and
- onsite open space, consisting of allotments, sports pitches, play areas and structural landscaping.

7.5.10 Due to the sites location adjacent to the Council owned Coombe Park recreation ground, there may be possibility to extend and refurbish this existing facility rather than locate open space or sports provision in another location within the growth area. Any extension of the Coombe Park recreation ground would need to be done so in collaboration with the Council and would need to include, an extension to the existing recreation ground, an extension and refurbishment to the existing pavilion and an extension to the existing parking provision. The Council would require improved pedestrian routes from the development into Coombe Park and the education facilities beyond. A new road access would also be encouraged into Coombe Park from any proposed new development.

7.5.11 The entire growth area is located within close proximity to the existing Oadby and Wigston Green Wedge. Due to the proposed development expansion of this area, the Council has extended the extent of the existing Green Wedge to bound the south west of the growth area to ensure (amongst other justified reasons) that there is no future coalescence of the settlements of Wigston and Oadby. A Green Wedge Review was undertaken by the Council due to the need to accommodate additional growth. The full extent of both of the Borough's Green Wedges are illustrated on the Council's Adopted Policies map.

7.5.12 Phase 2 of the Cottage Farm Direction for Growth Area is identified on the Council's Adopted Policies Map.

Policy 21 Cottage Farm Direction for Growth Allocation

This Plan will seek to expand the current Cottage Farm site ('Phase 1') and form the Cottage Farm Direction for Growth Allocation. The Council will allocate further land to the south east of Oadby, for 'Phase 2' development.

In 'Phase 2', this Plan allocates land for at least 250 new additional homes.

The Council will in principle support new development proposals that create a sustainable, well designed and high quality development that is sensitive to its surroundings and will not have a detrimental impact on the surrounding Green Wedge and Countryside.

Development proposed within 'Phase 2' of the Cottage Farm Direction for Growth Area is in addition to 'Phase 1' and will require the production of a detailed masterplan. The following elements will be required on-site or via an off-site contribution where stated:

- at least 250 new additional homes, of which at least 30 per cent must be affordable;
- vehicular access to the growth area will be directly off the A6;
- a link road through the site allowing all parts of the site (including 'Phase 1') to be accessible;

- off-site contribution towards a community facility building in Oadby and / or the extension and refurbishment of Coombe Park pavilion, including further car parking;
- improved pedestrian access into Coombe Park from the development;
- on-site open space (unless alternative off-site provision is justified in whole or in part), consisting of allotments, sports pitches, play areas and structural landscaping in accordance with the Open Space, Sport and Recreation Facilities policy of this Plan;
- off-site contribution towards new education facilities.
- provision of an appropriate number of bus stops and associated infrastructure, including bus shelters and information display boards on-site as well as off-site, to allow for this sustainable method of public transport; and
- provision of any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths, on-site as well as off-site.

Any proposal for development of 'Phase 2' will be required to conform to all other relevant policies set out within this Local Plan. Any proposal would also be required to submit a detailed Transport Assessment as part of any planning application to ensure that Leicestershire County Council Highways Department and Leicester City Council Highways department can fully assess any traffic / transport implications stemming from the development.

Chapter Eight – Economic Prosperity

- 8.1.1 The national government is committed to securing economic growth in order to create jobs and prosperity by building on the country's inherent strengths. The national government is also committed to meeting the twin challenges of global competition and of a low carbon future.
- 8.1.2 Promoting balanced economic growth is one of the key elements of delivering sustainable development. This Plan seeks to make the Borough a more sustainable place to live by creating a balance between homes, jobs, retail development, green infrastructure, and education.
- 8.1.3 The NPPF indicates that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
- 8.1.4 The Council's Economic Regeneration Strategy sets out an economic vision and plan, for future economic development across the Borough. It also acts as a framework for driving economic development and regeneration locally. It will help enable the realisation of funding opportunities by demonstrating that the Council has ambitious aspirations based on factual evidence.
- 8.1.5 The Council is ambitious with its plans for the future and wants to create prosperity and better quality of life for all of its residents and businesses; it recognises how a successful and sustainable economy can have a positive impact upon the quality of life of residents and businesses.
- 8.1.6 The Leicester and Leicestershire Business Survey (2015) reflect the views of local businesses within the Borough. This provides an annual audit of business conditions across the Borough as follows:
- 56% of the Borough's businesses expect to start offering new products or services, the highest of all the Leicestershire districts.
 - 35% of the Borough's businesses expected general business conditions to improve.
 - 40% of the Borough's businesses are quite or very likely to take on further apprentices in the future, the highest of all the Leicestershire districts.
 - 81% of the Borough's businesses expect an increase in sales turnover in the next 12 months the highest of all the Leicestershire districts.
 - 72% of the Borough's businesses expect their business to grow over the next 12 months.
 - 57% of the Borough's businesses plan to train or up skill staff in the next 12 months.
 - 10% of the Borough's businesses are looking to relocate.

Delivering Retail

- 8.2.1 The NPPF requires local planning authorities to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Local planning authorities are expected to objectively identify sites for retail land. Ensuring town centres are recognised and protected. Identifying sufficient land to meet the retail needs of the Borough is positively achieved through this Plan.
- 8.2.2 The National Planning Practice Guidance (PPG) suggests that local planning authorities should plan to support town centres in generating local employment, promoting beneficial competition within and between town centres, and creating attractive, diverse places where people want to live, visit and work.
- 8.2.3 Town centres act as a key locations for a diverse range of uses such as retail, leisure, commercial, office, tourism, cultural activities, community facilities and also provide an important, sustainable location for housing.
- 8.2.4 The main town centre within the Borough is Wigston. This Plan seeks to reinforce the role of Wigston as the Borough's main town centre. The Plan also seeks to positively reinforce the roles of Oadby and South Wigston as a district centres. Local policy will strive to ensure the existing blend of facilities is maintained and improved within each centre as well as supporting mixed use development that includes retail, employment, residential, community, leisure, culture and tourism facilities.
- 8.2.5 Wigston town centre and the centres of Oadby and South Wigston have the highest concentrations of retail provision within the Borough.
- 8.2.6 In terms of retail provision within the Borough, a 'town and district centre first' approach will be applied. Proposals for main town centre uses should be prioritised within the town or district centres, however, some flexibility will be allowed for edge of centre locations if the main centres cannot accommodate the retail provision proposed. Only if suitable sites are not available within the main centre or edge of centre locations should out of town sites be considered.
- 8.2.7 The NPPF also requires local planning authorities to apply the sequential test to planning applications for main town centre uses that are not proposed in existing centres and are not in accordance with an up-to-date Local Plan.

New Retail Provision

- 8.2.8 In 2016 the Council commissioned Nathaniel Litchfield & Partners (NLP) to undertake a Retail Capacity Study for the Borough, to serve as local evidence to support local planning policy.
- 8.2.9 New forms of retailing have emerged in recent years as an alternative to more traditional high-street shopping. Home/electronic shopping has expanded considerably with increasing growth in the use of personal computers/tablets/mobile phones and the internet.
- 8.2.10 According to the NLP report, online shopping has the potential to be a significant threat to the retail centres within the Borough as it removes the potential barrier of having to travel to physical retail stores.

8.2.11 The NLP study's household survey results suggest that 3.6% of households in Oadby and Wigston Study Area did their last main food and grocery shopping via the internet (collection point/home delivery), and 3.8% of households did most of their comparison shopping via the internet, TV or catalogue.

8.2.12 One of the key areas of the Study was the setting out of current convenience and comparison retail capacity in Wigston, Oadby and South Wigston and the potential capacity for additional convenience and comparison retail floorspace over the Plan period to 2031. The results for potential capacity for additional retail floorspace are shown below.

Wigston Town Centre

8.2.13 Quantitative capacity for additional convenience and comparison retail floorspace.

Year	Convenience sq.m (net)	Comparison sq.m (net)	Total sq.m (net)
2016	297	0	297
2021	341	322	663
2026	454	1,105	1,559
2031	554	1,980	2,534 (1,169)

Nathaniel Lichfield & Partners Retail Capacity Study (2016)

8.2.14 The table above indicates that throughout the Plan period there is not a significant quantitative capacity for convenience floorspace in Wigston. The capacity peaks at 554 sq.m (net) by 2031. Put in context, the identified capacity is equivalent to a small scale foodstore unit. In terms of additional capacity for comparison retail goods floorspace in Wigston, in the short term, only 322 sq.m (net) has been identified up to 2021. However, longer term, the capacity increases to 1,980 sq.m (net) by 2031. It should be noted that at the time of writing the retail capacity report the former Coop retail unit within Bell Street, Wigston was unoccupied. The report suggests that should the unit be reoccupied for retail purposes, the capacity would reduce by 1,365 sq.m. Since the time of writing, the unit has been reoccupied for retail use, therefore the overall capacity for additional retail floorspace within Wigston has reduced from 2,534 sq.m to 1,169 sq.m.

Oadby District Centre

8.2.15 Quantitative capacity for additional convenience and comparison retail floor space.

Year	Convenience sq.m (net)	Comparison sq.m (net)	Total sq.m (net)
2016	0	0	0
2021	0	212	212
2026	0	750	750
2031	0	1,351	1,351

Nathaniel Lichfield & Partners Retail Capacity Study (2016)

8.2.16 The table above shows that that there is 0 (zero) quantitative capacity for convenience retail floorspace in Oadby in the short, medium or long term, up to 2031. Due to this, there is no demonstrable requirement to proactively plan for new convenience floorspace in Oadby district centre up to the end of the plan period. However, according to retailer demand, Oadby is lacking in deep discount food store options which could be an attractor for the large student population. It would be appropriate for the Council to identify land within town centre locations to deal with retail unit 'churn'. In terms of potential capacity for additional comparison retail floorspace in Oadby district centre, the table shows that in the short term to 2021 there is not a significant capacity. However, over the long term this capacity does increase to a more significant 1,351 sq.m by 2031. The overall capacity for additional retail floorspace in Oadby is 1,351 sq.m.

South Wigston District Centre

8.2.17 Quantitative capacity for additional convenience and comparison retail floor space.

Year	Convenience sq.m (net)	Comparison sq.m (net)	Total sq.m (net)
2016	0	0	0
2021	0	59	59
2026	0	207	207
2031	0	373	373

Nathaniel Lichfield & Partners Retail Capacity Study (2016)

8.2.18 The table above indicates that there is 0 (zero) capacity for additional convenience goods floorspace in South Wigston district centre up to 2031. Similarly, there is very limited capacity for additional comparison retail floorspace. The quantitative potential capacity for new comparison goods floorspace is projected to be 373sq.m by 2031. The overall capacity for additional retail floorspace in South Wigston is 373 sq.m.

Local Centres

8.2.19 The NPPF does not define a local centre; however, the retail capacity report suggests that local centres might include a range of small shops of a local nature, serving a small catchment. Typically, it might include, amongst other shops, a small supermarket, a

newsagent, sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette.

8.2.20 The retail capacity report sets out and an overall capacity for retail floorspace across all of the Borough's local centres of 81 sq.m.

8.2.21 The study, however states that lack of quantitative capacity should not be a barrier to new retail provision in local centres coming forward, if proposals will bring about improvement to the retail offer.

Policy 22 Delivering Retail

Retail development will be encouraged and permitted in the defined policy areas of the town centre and district centres, as well as the Borough's local centres.

The town and district centres of the Borough will be the focus for new additional retail floorspace, maintaining the Borough's current hierarchy and market share between centres.

The following identified additional overall retail capacities in net floorspace up to 2031 will be sought within each of the centres.

- Wigston – 1,169 square metres
- Oadby – 1,351 square metres
- South Wigston – 373 square metres
- Local Centres – 81 square metres

Retail development must be of a scale appropriate to the needs of the local area served by these centres. Development will be subject to local planning, traffic and environmental considerations and proposals seeking higher retail provision than those set out above would need to demonstrate that there would not be a significant adverse impact on the centre in which the proposal is situated.

In determining proposals for new retail development, the Borough Council will apply the sequential and impact test as specified in the National Planning Policy Framework and National Planning Practice Guidance. It will be essential that any new development does not have an adverse effect on existing centres within the Borough. New development must be integrated within existing infrastructure.

Where a proposal fails to satisfy the 'town and district centre first' approach and / or the sequential test or is likely to have significant adverse impact on the centre, it will not be permitted.

Proposals for retail development within the town and district centres would need to follow the principles as set out within the Town and District Centre Guidance document.

Retail Hierarchy

- 8.3.1 The NPPF requires local planning authorities to define a network and hierarchy of centres that is resilient to anticipated future economic changes. It states that, local planning authorities should recognise town centres as the heart of their communities and to pursue policies to help support their viability and vitality.
- 8.3.2 In order to plan positively to promote the vitality and viability of the town centres, the Council has identified a local retail hierarchy for the Borough that sets out the role and function of centres. The presumption will be that any proposals for a main town use will have to follow the 'sequential test'.
- 8.3.3 For the purpose of this policy, the definition of town centre uses will be consistent with the definition set out in the NPPF. Main town centre uses include; retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities); and, residential.
- 8.3.4 This Plan identifies Wigston as a town centre and Oadby and South Wigston as district centres.
- 8.3.5 The following definitions have been used to produce the retail hierarchy for the Borough.
- 8.3.6 Town centres; will usually be the second level of centre, after city centres, and in many cases they will be the principal centre in a local authority area.
- 8.3.7 District centres; typically comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services such as banks, building societies and restaurants as well as local public facilities such as library.
- 8.3.8 Local centres; typically comprise a range of small shops of a local nature, serving a small catchment. This might include, amongst other shops, a small supermarket, a newsagent, sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre.
- 8.3.9 The Spatial Objectives and Spatial Strategy place a great deal of emphasis on the role of the Borough's town and district centres in delivering the Local Plan and therefore it is important that the retail hierarchy for the Borough compliments the retail hierarchy that exists within the Leicester Principal Urban Area and in South Leicestershire. This will ensure that the various centres can relate to one another spatially, maintain their vitality and viability whilst providing a different offer to the local community.

Policy 23 Retail Hierarchy

The role of Wigston as the Borough's main town centre and Oadby and South Wigston as district centres as well as specified local centres (identified below) will be preserved and enhanced. In order to enhance the existing blend of facilities and promote competitive town and district centres, proposals for appropriate town centre uses, including, retail, employment, residential, community, leisure, culture and tourism uses will be supported.

Retail development must take place at a scale appropriate to the size and function of the centre within which it is to be located. To guide this approach, the following retail hierarchy is defined:

Main Town Centre

- Wigston

District Centres

- Oadby
- South Wigston

Local Centres

- Old Oadby, London Road, Oadby
- Glen Road / Highcroft Avenue, Oadby
- Rosemead Drive, Oadby
- Severn Road, Oadby
- Brabazon Road, Oadby
- Leicester Road, Wigston
- Little Hill, Wigston
- Kelmarsh Avenue, Wigston
- Queens Drive, Wigston
- Gloucester Crescent, South Wigston

The Borough Council will promote a mix of appropriate uses within these defined centres with active street frontages at ground floor level.

The Borough Council will also retain and identify new small scale local shopping opportunities to meet the everyday needs of the local people.

Local Impact Threshold

8.4.1 The NPPF states that:

'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold'.

8.4.2 In the 'Ensuring the vitality of town centres' section of the PPG it states that in setting a locally appropriate threshold, it is important to consider:

- the scale of proposals relative to the town centres;
- the existing viability and vitality of town centres;
- cumulative effects of recent developments;
- whether town centres are vulnerable;
- likely effects of development on any town centre strategy; and
- the impact on any other planned investment.

8.4.3 Where an application is likely to have significant adverse impact it should not be permitted.

8.4.4 The NPPF requires local planning authorities to apply a sequential test to planning applications for main centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. It is appropriate to identify locally set thresholds for the scale of edge-of-centre and out of centre retail, office and leisure development which should be subject to the assessment of the impact criteria set out by the NPPF.

8.4.5 For the purpose of this policy, the definition of an 'edge of centre' location will be consistent with that defined within the NPPF. The definition is -

'for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances'.

8.4.6 An 'out of centre' location means a site that is located outside of the centre boundary and is not located within edge of centre. It does not mean outside of the urban area.

8.4.7 Due to the compact nature of the centres within the Borough, the NPPF threshold of 2,500 sq m. gross is considered to be inappropriate. If the NPPF threshold were to be used, the scale of a single development proposal that would be not subject to an impact test, would be larger than the entire development plan capacity projections and could have a significant detrimental effect towards the vitality of the centre.

8.4.8 The retail capacity study undertaken for the Borough, illustrates locally set Impact Thresholds for each of the centres. For both Wigston town centre and Oadby district centre a locally set threshold of 1,500 sq.m was deemed appropriate. For South Wigston, the locally set threshold deemed appropriate was lowered to 500 sq.m due to its size.

Policy 24 Local Impact Threshold

Applications for retail, leisure and office development outside of a defined centre, which is not in accordance with this Plan, will require an impact assessment if the development is over the following floorspace thresholds:

- Wigston Town Centre – 1,500 square metre gross floorspace
- Oadby District Centre – 1,500 square metre gross floorspace
- South Wigston District Centre – 500 square metre gross floorspace

Should the Council be satisfied that the submitted impact assessment accords with the nationally prescribed criteria set out in the National Planning Policy Framework; provided the application conforms to all other relevant policy, planning permission will be granted.

Delivering Economic Prosperity

- 8.5.1 The Council sets ambitious plans for the future of the Borough to create a better quality of life for all its residents. It recognises how a successful and sustainable economy can have a positive impact upon the quality of life of residents and businesses across the Borough.
- 8.5.2 The NPPF acknowledges the concept and principles of sustainable development in Local Plan making. The NPPF requires that local planning authorities should positively seek opportunities to meet the development needs of their local communities.
- 8.5.3 The Borough Council, together with all of the other Leicester and Leicestershire local authorities has produced a Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) to inform all local planning policy within Leicester and Leicestershire.
- 8.5.4 According to the HEDNA, over the period 2011 to 2031, baseline employment forecasts show that the job increase will be a negative 200 jobs within the Borough, however, that the Functional Economic Market Area (FEMA) as a whole is forecast to increase by over 68,000 jobs during the same period.
- 8.5.5 The HEDNA identifies that the Borough of Oadby and Wigston has the smallest economy in the FEMA in terms of employment levels and GVA. This largely reflects the function of the area which is a largely residential location on the edge of Leicester. In terms of GVA growth per annum forecast, the percentage for the period 2011 to 2036 is 0.3 per cent lower than the growth seen for the period 1993 to 2010; figures are 1.6% and 1.9% respectively.
- 8.5.6 As of 2015, around 20,300 jobs were located within the Borough, which is less than the 1991 figure of 23,000. This reflects decreases in the manufacturing sector (and to a lesser extent financial services). Decreases have been partly offset by growth in public sector employment, (particularly education and healthcare) and growth in the arts and recreation sector.
- 8.5.7 Despite a reduction in employment numbers, the manufacturing sector still has a strong representation within the Borough, as does the education, arts and recreation and wholesale sectors. However, the area has a relatively small representation in the national growth sectors of professional, scientific and technical, and administrative and support. This could influence future economic growth potential.
- 8.5.8 Although there has been a decline in overall employment numbers since 1991, the HEDNA uses past development trends and current development demand data to identify employment land needs for the period 2011 to 2031. The need identified in the HEDNA also takes account of the Borough's role in the Leicester and Leicestershire Functional Economic Market Area.
- 8.5.9 For the period up to 2031, the HEDNA concludes that there is an employment land need within the Borough. Employment land requirements are as follows:
- B1a/b need is 1 hectare
 - B1c/B2 need is 0 (zero)
 - Small Scale B8 need is 4 hectares
- 8.5.10 Small scale B8 is defined as units of less than 9,000 sq.m in size.

8.5.11 It must be noted that when referring to 'employment land' or 'employment unit' this Plan is referring to land or units that are within the Use Classes (as defined within the Town and Country Planning Use Classes Order) B1a, B1b, B1c, B2 and B8. It is not referring to any use that employs people. The uses associated with each of the B Class uses mentioned above are as follows:

B1a) Office other than a use within Class A2 (Financial and Professional Services)

B1b) Research and development of products or processes

B1c) For any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area

B2) Industrial process other than that falling within Class B1

B8) Use for storage or as a distribution centre

8.5.12 Further to the HEDNA, the Council commissioned an Employment Land and Premises Study (ELPS), which sought to calculate employment land use needs for the Borough, using very local information and data. The HEDNA figures were used as the starting point for the ELPS work. The ELPS sets out the following employment land use needs.

Moderate Growth Model Need

- B1a/b need is 0.25 hectares
- B1c/B2 need is 2.45 hectares
- Small scale B8 need is 0.10 hectares

High Growth Model Need

- B1a/b need is 0.59 hectares
- B1c/B2 need is 5.79 hectares
- Small Scale B8 need is 0.22 hectares

8.5.13 The model outputs (need) illustrated above do not include a 5 year buffer. The ELPS advises that a 5 year buffer should be added to the model outputs. The below illustrates the model outputs including the 5 year buffer.

Moderate Growth Model Need

- B1a/b need is 0.31 hectares
- B1c/B2 need is 3.06 hectares
- Small scale B8 need is 0.13 hectares

High Growth Model Need

- B1a/b need is 0.74 hectares
- B1c/B2 need is 7.24 hectares
- Small Scale B8 need is 0.27 hectares

8.5.14 Over the years, the Identified Employment Areas within the Borough have seen some level of decline, with suggestions that some existing units are not necessarily fit for modern employment purposes. There have also been changes of use that are not within the B Use Class use on Identified Employment Areas. With the identified employment areas being of a

particular age, there are also units that are coming to the end of their limited economic life and are in need of redevelopment, refurbishment and / or improvement. The employment land allocated within this Plan takes account of the refurbishment and redevelopment need.

- 8.5.15 Provision of employment land within the Borough will help to reduce out-commuting and promote sustainable local communities.
- 8.5.16 Through allocation of land, the Council will ensure that the appropriate amount and types of employment land is provided and made available in locations that balance the demands of the market with the capacity of infrastructure. The sites will be provided in locations that not only seek to deliver sustainable communities but also conserve and enhance the environment and heritage assets. To ensure that the right amount and types of employment land is provided, in the most sustainable locations, the Council will:
- Safeguard existing and committed employment sites / land which are of the right quality and suitably located in relation to infrastructure.
 - Provide additional employment sites at the Wigston Direction for Growth Allocation to the south and east of Wigston. This will allow for the growth as well as relocation of businesses.
 - Provide additional employment land adjacent to the existing Identified Employment Area of Kenilworth Drive, Oadby. This will allow for the growth as well as relocation of businesses.
 - Provide additional employment land adjacent to the existing Identified Employment Area of Magna Road, South Wigston. This will allow for the growth as well as the relocation of businesses.
 - Provide additional employment land within the district centre of Oadby and the town centre of Wigston.
 - Support the enhancement of skills in the local workforce through improved opportunities for education and training to provide a more dynamic and flexible labour market.
- 8.5.17 All land allocations are set out within the Spatial Strategy and other relevant planning policy within this Plan. All land allocations are identified on the Council's Adopted Policies Map.

Protecting Identified Employment Areas

- 8.6.1 The Identified Employment Areas situated within the Borough are illustrated on the Council's Adopted Policies Map.
- 8.6.2 Identified Employment Areas, once lost, can be difficult to replace. Any proposal that seeks a loss of Identified Employment Area land should be considered very carefully. Any proposal which involves the loss of any of the employment land uses defined in paragraph 8.5.11, would need to be strongly justified in the context of the high importance of retaining and expanding the local economy and the creation of jobs. It is imperative that the Council provides land on which businesses can locate, grow and evolve.
- 8.6.3 In order to maintain the required level of employment land to meet the needs of the local economy, the Council will, in addition to allocating new land for employment use development, protect its Identified Employment Areas from non B class land uses which are better located in other areas of the Borough.
- 8.6.4 The Council does not wish to inhibit, in anyway, the ability of existing firms to expand, therefore will look upon redevelopment or expansion of premises on identified employment areas (for appropriate uses only) positively. The Council will support redevelopment of sites which would lead to an improvement in the quality of employment floorspace that is suited to modern day or identified needs.
- 8.6.5 The Council is aware that national policy and guidance, suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 8.6.6 Bearing this in mind, the Council has a hierarchy of employment site categories. Each of the Identified Employment Areas within the Borough have been assessed and have been classified within a category. The site categories are 'Core', 'Base' and 'Release'. Each of the three categories are defined within the Council's Employment Sites Supplementary Planning Document and the Employment Land and Premises Study.
- 8.6.7 Identified Employment Areas that are classified as 'Core', are the most important employment areas within the Borough, perform well and are predominately within B Class Use. Any proposal for development of a non B Class Use on Identified Employment Areas classified as 'Core' will not be permitted. Identified Employment Areas that are classified as 'Base' are still important employment areas within the Borough, but allow for a level of flexibility of non B Class Use development, subject to a set out specific criteria.
- 8.6.8 None of the Identified Employment Areas within the Borough are classed within the 'Release' category.
- 8.6.9 Consistent with Policy 2 Spatial Strategy for Development within the Borough within this Plan, this policy allocates 0.55 hectares of employment land at Magna Road, South Wigston. The allocation is a continuation of an existing employment land proposal which has been identified in previous Council Plans.

Policy 25 Protecting Identified Employment Areas

Identified Employment Areas (illustrated in the Council's Adopted Policies Map) will be protected from inappropriate development, redevelopment and change of use. The Council will also enhance the identified areas through appropriate development.

In accordance with guidance set out in the Council's Employment Sites Supplementary Planning Document and the Employment Land and Premises Study, the 'Core' Identified Employment Areas will be safeguarded for B1a, B1b, B1c, B2 and B8 uses only. Any change of use from a B class use will not be permitted.

Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):

- will not have an adverse impact on any other employment use(s) in the identified employment area in which it is located;
- will not significantly reduce the overall supply and quality of employment land and premises within the locality;
- will deliver economic regeneration benefits to the site and / or area or there will be a significant community benefit which outweighs the impact;
- will involve a vacant building for which there is clear and robust evidence of proactive marketing (a minimum of twelve months), with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use; and,
- The site / premises are no longer suitable or reasonably capable of being redeveloped for employment purposes.

This Plan allocates 0.55 hectares of employment use land (B1, B2 and / or B8 use) adjacent to Magna Road Identified Employment Area in South Wigston. The allocation is illustrated on the Council's Adopted Policies Map.

Sustainable Transport and Initiatives

- 8.7.1 The Council is committed to encouraging sustainable travel patterns through all development proposals.
- 8.7.2 The principle of sustainable transport is well established through national planning guidance, policies and various sub regional policies and guidance. The Council is also committed to encouraging sustainable methods of transport. A key principle in achieving sustainable travel patterns and transport methods is the implementation of travel plans for developments that have a significant traffic impact. Accordingly, travel plans will be expected in support of all development proposals.
- 8.7.3 It is essential that all new development can be successfully integrated into existing transport and highways infrastructure and has minimal detriment to the local area. In line with the Borough's Spatial Strategy, new development is to be directed to the most sustainable locations, for example, the town and district centres, the Leicester PUA and the three Direction for Growth Allocations.
- 8.7.4 The Direction for Growth Allocations are deemed the most sustainable locations for development outside of the town and district centres and the Leicester Principal Urban Area, when set in the context of the overall Spatial Strategy for the Borough. The Direction for Growth Allocations are located directly adjacent to the existing Leicester PUA and have direct site access onto main existing highway routes.
- 8.7.5 The Department for Transport states that economic growth is one of the biggest challenges for transport. Transport's role in this is hugely important – getting people to work and to services such as education and healthcare providers, as well to leisure activities and shops, is crucial to quality of life and wellbeing.
- 8.7.6 Whilst accepting that good transport is vital to a successful thriving economy with greater mobility, evidence stresses the need to balance the increasing demand for travel against protecting the environment and heritage assets as well as improving people's quality of life. The Spatial Strategy for the Borough achieves this aim by ensuring access to the strategic road network outside of the Borough, such as the M1, M69 and A14, is as easy and efficient as possible. It also encourages development and use of public transport links which will increase capacity on the highway network.
- 8.7.7 Leicestershire County Council's guidance document, the Highways Design Guide aims to achieve the delivery of high quality development. It includes car parking standards that apply to any proposals for development in the Borough, including those arising through the Local Plan process. All new development proposals should take account of the Highways Design Guide document as well as other relevant policies in this Plan.
- 8.7.8 This Policy will contribute towards the spatial objectives relating to public transport in the Borough which include improving east west public transport links between South Wigston, Wigston and Oadby, and establishing fast and frequent public transport to key services, facilities and the retail centre of Leicester.
- 8.7.9 The Spatial Strategy focuses development within the town and district centres, the Leicester PUA and the Direction for Growth Allocations, and directly supports the achievement of transport related spatial objectives by ensuring that growth occurs in the locations most closely linked to public transport routes, services and facilities. To achieve

the spatial strategy and spatial objectives, the Council will work alongside Leicestershire County Council Highways Department on all new transport related topics, as well as Leicester City Council Highways Department as and when there is a need to do so, for example through transport development or development that has cross boundary impacts.

- 8.7.10 South Wigston Railway Station provides links to Nottingham, Derby and London via Leicester and direct links to Nuneaton and Birmingham. Increasing the number of rail services stopping at South Wigston could boost the use of rail as a method of public transport by those living and working in the Borough. The Council would support this principle.
- 8.7.11 Travel Plans aim to ensure the delivery of sustainable transport objectives including 'smarter choices', the reduction of car usage and the increased use of public transport, walking and cycling as part of new development. They should be submitted alongside any development application that is likely to have significant transport implications. A Transport Assessment and/or a Travel Plan will be required to accompany all applications for major development.
- 8.7.12 This policy enables the protection of routes that will allow the future expansion and enhancement of transport infrastructure in the Borough. The Potential Transport Route (former EDDR) in Oadby is one such link. The Potential Transport Route has been safeguarded within the Borough for a number of years but has yet to be built out. Current evidence base suggests that should the route be built out, there would be a positive benefit to the existing routes linking Gartree Road and the A6 in Oadby.
- 8.7.13 Leicestershire County Council, as the local highway authority, wishes to see the continued safeguarding of this route within the Borough. This is because the County and City highway authorities face significant challenges in continuing to develop local transport systems. At a strategic level this includes, amongst other things, supporting and delivering housing and economic growth, improving peoples' access to services whilst reducing impacts on the environment and seeking to minimise the effects of climate change.
- 8.7.14 Leicestershire County Council and Leicester City Council are considering future transport policy and strategy through their Local Transport Plans. The Highways Authority considers that the completion of a route along the potential transport route in Oadby could help to meet strategic challenges and address local issues.

Policy 26 Sustainable Transport and Initiatives

All new development must be located and designed to; reduce the need to travel by the private motor vehicle; enhance the safety of pedestrians and other road users; encourage the use of cycling as a sustainable mode of transport; and, improve accessibility for residents, particularly in locations where there is poor transport choice and availability.

In all new development, proposals must provide the highways and transport infrastructure requirements needed to support and service the proposed development. There will also be a need to demonstrate that adequate capacity currently exists or will be provided through appropriate mitigation that meets necessary infrastructure requirements.

Where new development is of a significant scale or type, a transport assessment and / or a travel plan, will be required.

The Potential Transport Route will be safeguarded by this Plan. The route is identified on the Council's Adopted Policies Map.

Support will be given for the following sustainable transport initiatives.

- High quality public transport links between the Wigston Direction for Growth Area, Wigston town centre and Leicester City Centre;
- High quality public transport links between the two Oadby Direction for Growth Allocations, Oadby district centre and Leicester City Centre;
- A new public transport interchange in Wigston town centre to facilitate changes between north-south and east-west journeys;
- Appropriate works to the highway to improve safety and ease of movement and to recognise the contribution the highway can make to the overall appearance of the public realm;
- Innovative schemes for public car parking in the centres of Wigston, Oadby and South Wigston which comply with Leicestershire County Council parking standards. Schemes must make efficient use of land as well as achieve high quality inclusive design;
- Innovative and high quality public realm schemes that improve pedestrian access and movement throughout the Borough;
- Protection of existing cycle routes and provision of new well designed cycle routes;
- Electric car charging points in all new car parking facilities;
- Cycle parking in all new development;
- Improved bus facilities in the Borough; and
- Appropriate levels of disabled car parking in all proposals involving car parking provision.

The Borough Council and Leicestershire County Council Highways Department (as well as Leicester City Council's Highway Department where relevant) will use developer contributions as necessary to fund off-site works where new or improved infrastructure is required to address the impacts of development proposals.

Chapter Nine – Town and District Centre Development

- 9.1.1 The NPPF suggests that Local authorities should recognise town and district centres as the heart of their communities and pursue policies that support their vitality and viability. They should also (amongst other things), promote competitive centres that provide customer choice and a diverse retail offer that reflect the individuality of each centre.
- 9.1.2 The Council will seek to retain and enhance the existing town centre of Wigston, the existing district centres of Oadby and South Wigston and the existing local centres. Through this Plan the Council sets out policies that seek to plan positively for the future of each centre and encourage economic activity and inward investment.
- 9.1.3 In 2013, the Council adopted its Town Centre Area Action Plans (DPD) for the town centre of Wigston and district centre of Oadby. The Area Action Plan set out a number of development management policies as well as policies relating to town and district centre growth and regeneration. Since its adoption, the area action plan has been fundamental in; bringing forward large scale public realm regeneration works; encouraging large scale retail refurbishment; and the obtaining of government funding towards, and the production of Local Development Orders. The Area Action Plan has also been instrumental in encouraging town centre living and the provision of new homes within the key centres in the Borough.
- 9.1.4 This Plan will supersede the policies set out within the Town Centres Area Action Plan, however due to the positive impact the Area Action Plan document has had, the Council wish to retain its supporting information, its objectives and its relevant masterplans as guidance. The Area Action Plan document illustrates one (viable) way in which the town and district centre redevelopment can be delivered. The scale of development and the mix of development set out within this Plans Spatial Strategy for the town centre of Wigston and the district centre of Oadby has been subject to viability testing, so have the Area Action Plan masterplans. All have been found to be deliverable and viable. Upon adoption of this Plan, the Town Centres Area Action Plan will be titled the 'Town and District Centre Guidance' document.
- 9.1.5 With the help of European Regional Development Fund contributions, the Council, recently, has been able to undertake extensive public realm improvement works in the town centre of Wigston and the district centre of Oadby. The works have been successful in not only improving the aesthetics of each centre, but has also contributed towards increasing shopper dwell time as well as economic spend. Throughout this Plan period and beyond, the Council will continue to seek ongoing improvements to the public realm in each of the three key centres, as well as each of the local centres.
- 9.1.6 The NPPF suggests that in producing development plans, local planning authorities should, in addition to defining the extent of the town centres and the primary shopping area, define primary and secondary frontages within designated centres, and set policies that make clear which uses will be permitted in such locations. The NPPF glossary indicates that primary frontages are likely to include a high proportion of retail uses which may include food and drink, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.
- 9.1.7 The NPPF also sets out the following definition:

Primary Shopping Area

'Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).'

- 9.1.8 The NPPF requires planning policies for town centres to be positive, promote competitive town centre environments and set out policies for the management and growth of the centres over the plan period.
- 9.1.9 With regard to the location for new retail, leisure and other town centre uses (as defined in the NPPF), the Council will adopt the 'sequential approach' as set out in the NPPF. For retail, leisure and other town centre use development the first preference is town, district or local centre sites, (where suitable sites are available), followed by edge-of-centre sites, and only then out-of-centre sites will be considered. The edge-of-centre and out-of-centre sites should be highly accessible by all means of transport, particularly walking and cycling and be well connected to the town, district or local centre, as a preference location.
- 9.1.10 The NPPF states that planning authorities should define the extent of the primary shopping areas based on a clear definition of primary and secondary frontages in designated centres. The primary shopping areas for Wigston, Oadby and South Wigston centres, as well as the primary and secondary shopping frontages are illustrated on the Council's Adopted Policies Map.

Primary Shopping Frontages

9.2.1 The prime function of the town centres of Wigston, Oadby and South Wigston is as shopping locations. To maintain a vibrant and successful core to the centres, it is important to maintain a high proportion of retail units. Too many non-A1 retail uses within the town and district centres, especially in the primary shopping areas will compromise the retail function of the town by diluting the overall supply of retail floor space. Thus, the Council has specified retail percentages in planning policy for each of the key centres within the Borough, and will always seek to adhere to this policy approach. However, it is acknowledged that there may be circumstances where more of a mix of uses within such locations could have positive impacts; but any proposal would need to contribute towards and enhance the vitality and viability of the centre. For example A2, A3, A4, D1 and D2 uses including cafes, restaurants, bars, community centres, libraries, and council offices could demonstrate significant regeneration benefits. In these cases, a robust and evidenced argument will need to be put forward that will justify the proposal in regeneration terms and prove the contribution that it will make to the vitality and viability of the centre. Simply filling a vacant A1 unit 'because it is empty' would not be a robust enough reason to diverge from planning policy.

9.2.2 Whilst the principle of the policy remains the same for each town, the percentages are different to reflect the baseline position as surveyed in 2016. This is shown in detail in the table below.

The Oadby and Wigston Retail Capacity Study (2016) identified that 69% of primary frontages within Wigston were in A1 retail use and 60% in Oadby.

Type of Uses	Wigston Primary Frontage		Oadby Primary Frontage		National Average
	No. of units	Percentage	No. of units	Percentage	Percentage
A1 Use	67	69 %	52	60 %	57 %
A2 Use	12	13 %	15	17 %	12 %
A3, A4, A5	6	6 %	12	14 %	20 %
Other Uses	2	2 %	3	4 %	-
Vacant	10	10 %	4	5 %	9 %
Total	97	100 %	86	100 %	

* Data extracted from Experian Goad Plans and site surveys detailed in the Council's Retail Capacity study

9.2.3 With future redevelopment it may be necessary to review the primary frontages to ensure that they reflect appropriately new development and maintain the right levels of retail and non-retailer occupancy within these areas.

9.2.4 Through the annual monitoring process the Council will track the A1 percentages to ensure that the primary frontage policy is performing and is appropriate. Primary frontages are defined on the Council's Adopted Policies Map.

Policy 27 Primary Shopping Frontages

At ground floor level the primary shopping frontages in the Borough's town and district centres are identified on the Council's Adopted Policies Map. To ensure that retail (A1) remains the primary use within the primary shopping frontages, development will only be permitted for non-A1 uses in the following circumstances:

- Where at least 70 per cent of all units within the primary frontages in Wigston town centre are in A1 use;
- Where at least 90 per cent of all units within the primary frontage in Bell Street (Wigston) are in A1 use;
- Where at least 65 per cent of all units within the primary frontages in Oadby district centre are in A1 use; and
- Where no more than three consecutive units are in non A1 use within any primary frontage.

For the district centre of South Wigston, development will only be permitted for non A1 uses where no more than three consecutive units are in non A1 use within the district centre boundary.

For clarity, in defining three consecutive units, interruptions such as roads are not taken into account. All of the units situated within a primary frontage (or centre boundary in case of South Wigston) are seen as continuous.

Proposals that do not conform to these requirements will not be permitted unless significant regeneration benefits can be robustly demonstrated and evidenced.

Secondary Shopping Frontages

- 9.3.1 Secondary shopping frontages provide opportunities for a higher proportion of non-retail uses which support and complement the predominately retail function of the primary frontages. Through this policy the Council, promotes a mix of uses within secondary shopping frontages, especially those non-retail uses that provide services which complement retail. Whilst seeking to promote a mix of uses, the Council will still ensure that the retail character and function of its main centres is preserved by still having a good proportion of A1 units present within its secondary shopping frontages and within its local shopping areas.
- 9.3.2 Secondary frontages need to accommodate a range of commercial uses, for example banks and buildings societies and other services that contribute to a successful town centre. They, together with primary frontages, need to accommodate other uses such as cafes and bars which will help diversify the town, making it a more welcoming shopping destination as well as increasing dwell times.
- 9.3.3 The over concentration of similar facilities within the retail areas can have a detrimental impact on the town, for example a row of bars or takeaways that may have noise, anti-social behaviour and traffic implications. The Council will managed such by taking a pragmatic approach to the location of similar uses.
- 9.3.4 Most secondary frontages mark the outer edges of a town or district centre and can sit alongside residential property. The protection of existing residential amenity (or amenity of proposed new residential development) should be taken into consideration when making any new planning application.
- 9.3.5 With future redevelopment it may be necessary to review the secondary frontages to ensure that they reflect new development opportunities and they maintain the right balance of retail and non-retail occupancy within the Borough's key centres.
- 9.3.6 Through annual monitoring the Council will audit the uses located within secondary frontages.

Policy 28 Secondary Shopping Frontages

At the ground floor level of secondary frontages, as identified on the Council's Adopted Policies Map, planning permission will be granted for class A1, A2, B1, D1 and D2 uses. Use classes A3, A4 and A5 will also be permitted provided that they do not adversely impact upon the vitality and viability of the town as a whole. Where proposals would result in an over-concentration of similar uses that would harm vitality, viability, local amenity, including residential amenity, or safety, planning permission will not be granted.

The Council will not permit any of the uses mentioned above if a proposal meant that there were three or more of the same uses in a consecutive row.

For clarity, in defining a consecutive row, interruptions such as roads are not taken into account. All of the units situated within a secondary frontage are seen as continuous.

Town Centre Boundaries

- 9.4.1 National policy and guidance, as well as this Plan seek to encourage 'town centre use' development within the town centre boundary of Wigston and the district centre boundaries of Oadby and South Wigston. Focusing opportunities within the core of the town and district centres, with a balance of development types including retail, commercial, leisure, residential, civic and public realm, will ensure the centres function for longer during the day. This will be achieved through town centre living, increased footfall and more attractive centres. Increasing the number of people that live and visit the centres, will not only positively affect the local economy, but will also improve security; through natural surveillance.
- 9.4.2 The concentration of development within the town and district centre boundaries will promote the vitality and viability of the town and district centres and sustainable communities.
- 9.4.3 Through the retail capacity work that Nathaniel Lichfield undertook, the existing town and district centre boundaries were reviewed. The review illustrated that no change was required to the existing town and district centre boundaries.
- 9.4.4 The town and district centre boundaries will therefore continue to be drawn tightly. This will deliver a well defined focussed core that contains the majority of existing and proposed town centre use floor space. This also ensures that any retail development on the edge of the centres that could undermine the vitality and viability of the centres - and therefore achievement of the spatial objectives and the vision - is resisted.

Policy 29 Town and District Centre Boundaries

This Plan sets tight boundaries for the centres of Wigston, Oadby and South Wigston to ensure that 'town centre uses' are focussed and are within close proximity to one another. Retail, leisure, commercial and other town centre use proposals will be directed as appropriate towards primary and secondary frontages and allocated sites for development.

The town and district centre boundaries are illustrated on the Council's Adopted Policies Map.

Other Areas within the Town and District Centre Boundaries but beyond the Primary and Secondary Frontages

- 9.5.1 These areas are in predominantly residential use and therefore change of use to residential is likely to be acceptable in principle subject to other policies in this Plan and national policy and guidance. Significant change from this residential character is likely to harm residential amenity and should therefore be discouraged. Whether a development is considered significant in its impact will depend on its context. The focus for all commercial development should be the core of the town or district centre, i.e. primary and secondary frontages, and the allocated sites.
- 9.5.2 The masterplans for the town and district centres clearly define key areas for development and how these will contribute towards meeting approximate levels of development. Allowing significant development (i.e. major applications) outside of these areas may compromise the ability of implementing the masterplans and should therefore be resisted unless the applicant can fully justify their position to a standard which is acceptable to the Council and can demonstrate why it cannot be located within the areas for redevelopment.
- 9.5.3 If 'town centre use' development does occur within areas currently defined as 'other areas within the town centre boundary' or within land areas allocated for town and district centre redevelopment / development, their development will result in their ground floor uses becoming part of the primary and secondary frontages, the frontages illustrated on the Adopted Policies Map will be amended to reflect this.
- 9.5.4 Development proposed anywhere within the town or district centre boundary that compromises the fulfilment of masterplans and/or Local Development Orders will not be permitted.
- 9.5.5 Where appropriate, the ecological value of proposed sites for development and opportunities for habitat enhancement should be sought.

Policy 30 Other Areas within the Town and District Centre Boundary but beyond the Primary and Secondary Frontages

Within the town and district centre boundaries but beyond the primary and secondary frontages, proposals for change of use to residential will in principle be supported. Proposals for other appropriate town centre uses such as offices or community facilities will in principle be supported.

Proposals for change of use of buildings to uses that would be better located within the core of the town centre (particularly A1 retail uses) must demonstrate why they cannot be located within a primary or secondary frontage, and will only be granted planning permission if it can be demonstrated to a standard which is acceptable to the Council that they will not result in any harm to the vitality and viability of the town, as well as local amenity considerations.

Significant development proposals within these areas that could contribute to the delivery of the masterplans and Local Development Orders that are not situated on allocated land will have to justify to a standard which is acceptable to the Council why they are not located in allocated areas. Any development proposals that compromise the fulfilment of the masterplans and / or Local Development Orders will not be permitted.

Use of Upper Floors within the centres of Wigston, Oadby and South Wigston

- 9.6.1 The active use of upper floors of town and district centre properties, which are often left vacant or used inefficiently to support ground floor uses, can contribute towards the vitality and viability of the town centre. Suitable uses can include office space and residential use. Applications for taxi offices at upper floor will be subject to the relevant taxi policy.
- 9.6.2 Proposals for change of use will be subject to other Local Plan policy requirements, and key considerations will include achieving safe and appropriate access and servicing to the upper floors whilst not compromising design and safety at ground floor levels. Any entrances at ground floor within the primary or secondary frontage will need to be of a high standard of the design and not be a blank frontage.

Policy 31 Use of Upper Floors within the Centres of Wigston, Oadby and South Wigston

Proposals for the change of use of floorspace above ground floor level to residential, office and other appropriate services or community uses, which contribute to the centre's vitality and viability, will be considered favourably.

Shop Fronts

- 9.7.1 For the purpose of this policy 'shop fronts' refer to any unit falling within Use Class A1, A2, A3, A4, A5, D1 (located in a designated centre), D2 (located in a designated centre) and Sui generis (located within a designated centre). New shop fronts should improve the appearance of the street scene and should be designed and use materials appropriate to the building and the local vicinity. This is relevant to all shop fronts whether it is a building within a Conservation Area or a town or district centre or in neither.
- 9.7.2 Corporate branding and signage will not always be appropriate and in sensitive locations (for example within and adjoining Conservation Areas) applicants will be encouraged to use alternative designs and approaches that are in keeping with the local area. The colours used for shop fronts should be consistent with the local area in which it is located and should not be stark in contrast.
- 9.7.3 In order to ensure a high standard of shop front design, all proposals will require detailed elevation drawings of the proposed shop front (to include shutter detail if required in accordance with the policy sets out in this Plan) in relation to the building within which it is to be located, as well as showing adjacent shop fronts and buildings for contextual purposes.
- 9.7.4 Retention of facades above shop fronts or shop fronts as a whole that are considered to be of high quality, or have special, architectural or historic interest will be encouraged, especially within Conservation Areas. Further guidance is set out in the Borough Council's Conservation Areas Supplementary Planning Document.
- 9.7.5 Whilst the attractiveness of a building should not be compromised, consideration should be given to natural surveillance and safety and security when designing new shop fronts. This also applies to the size and height of any canopies which should not compromise pedestrian or vehicular safety or visibility.
- 9.7.6 Many premises such as banks and betting shops, and some A1 units, may have blank frontages which can be unattractive in the street scene, and such proposals will not be permitted. All commercial premises within the centre will need to present well designed, attractive, open, active and welcoming frontages to help contribute to the vitality and viability of the centre.
- 9.7.7 Cafes, restaurants and bars may seek space on the pavement for tables and chairs. Such use requires planning permission and a licence from the Council and / or Highways Authority. In many parts of the town and district centres this will be wholly appropriate and encouraged, for example on wide pavements (such as in Oadby) and in pedestrianised areas such as Bell street in Wigston, as these will add to the centres vitality. The role of the public highway is to allow the public to pass and re-pass and this principle along with safety considerations will be key in determining applications accordingly.

Policy 32 Shop Fronts

Proposals for the installation or replacement of shop fronts will be assessed against the following criteria:

- All proposals must improve the appearance, and be designed within the scale and architectural character, of the building within which they are located and the local vernacular.
- All shop fronts must remain within their existing structural openings and be framed with fascia signs.
- Adjacent shop fronts must be separated by a pilaster, matching the building. Original pilasters must be retained where they exist and where practicable. All original features, such as iron columns, timber, ornamental brackets or carved stonework, will be preserved or restored where practicable.
- All canopies must be retractable and sited below the fascia.
- All shop fronts must present an open and active frontage to the street.

Security Shutters

- 9.8.1 Security shutters can be an integral feature to building security. However, if poorly designed, they can also have a detrimental impact on the street scene by the creation of blank and 'dead' frontages. Shutters that are partially transparent can help maintain an element of openness to the street scene.
- 9.8.2 External shutters and shutter housing in Conservation Areas unless designed appropriately can have a significant detrimental effect. The effect can be on the appearance, the integrity of the buildings themselves (there may be cases where locating shutters externally may be more appropriate to ensure that the integrity of listed buildings or buildings within conservation areas is retained) and also the character of the area and as such should be carefully and sensitively designed to ensure that any such negative impact is avoided. Reference should be made to the Borough Council's Conservation Areas Supplementary Planning Document accordingly.
- 9.8.3 Shutters that sit behind the main glazed frontage and behind the fascia will be actively encouraged as these are less intrusive and can help to maintain a higher quality appearance.

Policy 33 Security Shutters

In order to avoid the potential negative impacts of the appearance of security shutters (including roller shutters), all proposals that require their installation will be assessed against the following criteria:

- The applicant must satisfy the Council that the type of security shutter they are proposing is the most appropriate for the locale in which it is situated.
- Shutters must not obscure any architectural detail or historic interest.
- Shutter boxes must, wherever possible, be hidden within the structure of the building or behind shop fascias, so as not to affect the character and architecture of the building.
- Shutters must be perforated with no more than 60% of the shutter being solid.
- Shutters must be colour powder coated or painted, or stainless steel.

Special consideration will be given to the installation of shutters in Conservation Areas.

Car Parking

- 9.9.1 The Leicestershire County Council Highways Design Guide sets out variety of design guidance relating to travel including car parking standards to promote sustainable communities.
- 9.9.2 The PPG states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles and bicycles. The guidance also suggests that appropriate parking charges should be set that do not undermine the vitality of town centres.
- 9.9.3 The PPG recommends that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.
- 9.9.4 The availability of car parking in key areas and centres has a major influence on the choice of means of transport.
- 9.9.5 For all new car parking development, (in addition to requirements of high quality design and security and appropriate proportions of disabled and motorcycle parking spaces), electric charging points should be introduced for an agreed number of spaces to encourage electrical vehicle use. The Council will also encourage provision of electric charging points at existing parking facilities. The technology should also be future proofed to ensure that further parking spaces can be converted in the future.
- 9.9.6 All new car parks should include secure motorcycle and bicycle parking provision close to their main entrances.
- 9.9.7 The quality of car parking is imperative to the success of the Borough's centres. Car parking should therefore be provided in accordance with adopted standard sets out by the Leicestershire Highways Design Guide.
- 9.9.8 It is important to maintain the right balance between providing sufficient parking spaces and encouraging access by alternative modes of transport to the private car, especially considering the town and district centre locations and the relative ease of access to a choice of travel mode and ranges of facilities and services within walking distance.
- 9.9.9 All proposals will be expected to be supported by evidence that justifies the associated parking provision accordingly.
- 9.9.10 New car parks will also be expected to be supported by a management and security regime to a standard which is acceptable to the Borough Council and the Local Highway Authority with evidence either at application stage or required through a condition(s).

Policy 34 Car Parking

The Council will ensure that there is adequate provision of car parking spaces and facilities across the Borough. All new development proposals will be required to provide car parking and servicing

space in accordance with the parking standards set out in the Leicestershire Highways Design Guide (or equivalent).

The parking standards must be seen as a guide for developers and any variation from these standards must be supported by robust evidence in the form of a transport statement. Where there is an evidenced need to do so, flexibility could be factored into the standards in relation to the specific local circumstances.

Taxis

9.10.1 Taxis offer a valuable contribution to a choice of travel mode and for many are vital modes of travel. However, their control offices could be operational 24 hours a day and waiting vehicles and customers can have significant noise, pollution and traffic generation impacts which can be to the detriment of neighbouring uses, especially when located in a residential area. These impacts will be carefully considered as part of the evaluation of any taxi rank or taxi office proposals.

9.10.2 Proposals for a private hire waiting area in the centre of Wigston and or the centres of Oadby and / or South Wigston would be supported where a need is demonstrated.

Policy 35 Taxis

Proposals for the use of premises for the control and administration of hackney carriages or private hire vehicles will be determined against the following criteria:

- The proximity of the site to the core of the town or district centre.
- The impact on any premises within the vicinity of the site, in particular those in residential use.
- The ability of the local highway network to accommodate the additional traffic generated.
- The availability of off-street parking provision within close proximity to the site for all vehicles to be operated from the base.

Hot Food Takeaways

9.11.1 Hot food takeaways can contribute to both daytime and evening economies of town centres, district centres and local centres, but could also generate a range of detrimental impacts including anti-social behaviour, litter, highway safety concerns and impacts upon upper floor uses. This policy seeks to minimise such impacts, whilst acknowledging the contribution that hot food takeaways can make. For the purposes of this policy hot food takeaways refer specifically to Use Class A5 as define within the Town and Country Planning Use Classes Order.

9.11.2 All proposals will be expected to include details of extraction including its design, because in many cases, external extraction such as vents and chimneys can have significant detrimental impacts on the overall design as well as local character. Design, including extraction will be considered as part of the planning application itself and not be a requirement of a planning condition(s).

Policy 36 **Hot Food Takeaways**

To avoid the potential significant adverse impact of hot food takeaways, all such proposals will be assessed against the following criteria:

- Any proposal for a hot food takeaway, particularly a change of use from an existing A1 use, will be assessed for its impact on the vitality and viability of the frontage or block of units of which it forms part of. Any proposal which is likely to damage the primary retail function of a block or frontage will not be permitted.
- Where hot food takeaways are already present within the vicinity, the cumulative effect / impact of any proposal will be taken into account. Where a number of takeaways occur that are already causing problems in terms of unacceptable traffic generation and deterioration in the amenity of the area, planning permission will not be permitted if the proposal will increase the nuisance.
- In all cases, account will be taken of the effects of the proposal on the amenity of the area, with particular regard to the proposed opening hours, the impact of noise, public health, disturbance, design (including ventilation), smell and litter, traffic generation, parking problems and highway safety.

Where significant adverse effects are likely to occur, the proposal will not be permitted.

In some cases there may be circumstances where any adverse impacts or effects of a proposal could be reduced by the introduction of conditions personal to that permission. Where this is not possible, permission will not be permitted.

Any proposal for a hot food takeaway will be subject to other local planning policies within this Plan.

Chapter Ten – Protected Places

Biodiversity and Geodiversity

- 10.1.1 The Borough of Oadby and Wigston has a number of nationally and locally designated sites including Regionally Important Geological Sites (RIGS), Sites of Special Scientific Interest (SSSI) and other valuable wildlife sites. These areas are invaluable to the Borough and will be protected from development. Any development proposals that have a significant negative impact on important areas or result in significant habitat loss within the Borough will not be permitted for development. If a development proposal has a less significant impact that can be mitigated through appropriate mitigation measures, for example habitat re-creation, the proposal will not be refused from the outset and discussion will take place between the applicant, the Council the County Council, the Woodland Trust, the Environment Agency and Natural England.
- 10.1.2 Local Wildlife Sites (LWS), Candidate Local Wildlife Sites (cLWS) and Potential Local Wildlife Sites (pLWS) are non-statutory designated sites that occur within the Borough which have been designated due to the significance of the species and habitats present.
- 10.1.3 Much of the biodiversity in the Borough exists on undesigned sites or non-priority habitats. However, the biodiversity value of these sites will be appropriately considered in all planning proposals and decisions, commensurate with their relative ecological status.
- 10.1.4 A number of legally protected species and their habitats occur throughout the Borough. Where there is a reasonable likelihood that protected species, or the habitats upon which they depend, may be affected by a development proposal, planning applications will not be validated until survey information has been submitted that shows the presence (or otherwise) and extent of the species or habitat that may be impacted. In all cases, any negative impacts to protected and priority habitats and species should be avoided.
- 10.1.5 With trees not only providing habitats for local wildlife, but also improving the health and well being of its residents and visitors, they will be protected where appropriate to do so. The Council will not allow any development proposal that has a detrimental impact on veteran trees or ancient woodland, without proper discussion with the Woodland Trust. Any development proposals that require mitigation will be required to submit the mitigation proposals to the Council and get them approved by the Council in collaboration with the Woodland Trust.
- 10.1.6 All proposals for new development will need to comply with the recommendations as set out in the Council's Extended Phase One Habitat Survey, as well as the relevant national policies and those set out in this Plan. Policy guidance set out within the Landscape Character Assessment will also need to be taken account of within any development proposal, as there will be important landscape features noted within the document that will need conserving and enhancing.

Policy 37 Biodiversity and Geodiversity

The Council will look to support development proposals that proactively seek a net gain and:

- Conserve, protect and enhance biodiversity and geodiversity through minimising loss of valued features in the landscape, such as, hedgerows, woodland, trees, ponds and wetland.

- Conserve and protect irreplaceable woodland, such as ancient woodland or veteran trees.
- Mitigate for any loss of valuable assets through applying measures for reinstatement, replacement or on / off site compensatory work that will enhance or recreate those habitats in circumstances when loss of the original habitat is unavoidable through development; and,
- Explore opportunities to restore, enhance, create or connect with established natural habitats as an integral feature of the proposed scheme.

Where development will have known detrimental impacts or cause lasting harm to the natural habitats in that location, the Council will compensate for that loss through effective conditions in the planning decision or by seeking developer contributions to contribute towards off-site mitigation measures.

Working in collaboration with developers, as well as local and national agencies with ecological and geological expertise, the Council will identify, conserve, protect and enhance natural assets, so that habitats and species can thrive and help to create rich biodiversity within the Borough for future generations to enjoy.

The Council will also protect trees with Tree Preservation Orders associated to them. All proposals must also take account of the guidance set out in the Council's Tree Strategy.

Climate Change, Flood Risk and Renewable Low Carbon Energy

10.2.1 In accordance with the Borough's Spatial Strategy, new developments should be seeking innovative ideas to be more sustainable and also, wherever possible, they should be located within sustainable locations where there is greater access to services and adequate public transport.

10.2.2 Climate change is a global problem requiring local action. This Plan will provide the platform for Oadby and Wigston Borough Council to address the issue through strategic planning over the Plan period. The Council will strive to deliver meaningful development and land uses that contribute towards the Government's targets to reduce greenhouse gas emissions and increase electricity production from renewable resources.

10.2.3 The NPPF states that:

'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'

10.2.4 The Council, together with all public and private sector agencies, has a responsibility to plan for and implement a strategic approach that will:

- Ensure new developments adapt to, and mitigate for, the potential impact of climate change upon the natural and built environment;
- Increase the energy efficiency of all new developments and major refurbishment, by respecting nationally prescribed sustainable standards, thus reducing carbon emissions; and,
- Proactively seek to utilise more renewable and low carbon energy solutions within the Borough.

10.2.5 The proactive management of flood risk is one of the most important ways of managing the predicted more intensive rainfall and other extreme weather events as a result of climate change. Some potential impacts of climate change that would have an effect of the Borough's water environment include:

- Increased flood risk due to wetter winters and more frequent destructive storms;
- Strain on water availability due to drier, longer summers; and
- Expectation that rain storms will be heavier and more prolonged. Where heavy rain cannot be absorbed fast enough by land this leads to localised flooding and potential flash floods.

10.2.6 The Council's Strategic Flood Risk Assessment (2014) was prepared in liaison with the Environment Agency and in accordance with the requirements of the NPPF. The aim of the Strategic Flood Risk Assessment is to provide sufficient information for the application of the Sequential Test and to identify whether application of the Exception Test is likely to be necessary. The Strategic Flood Risk Assessment involves a broad scale assessment of areas at risk of flooding within the Borough, be it fluvial or other forms of flooding and includes advice on sustainable drainage techniques and other flood risk solutions. The study also predicts likely increased flooding risk in these areas due to climate change.

10.2.7 Within the Borough there are two main occurrences of Flood Zone 2 and 3; one along the River Sence corridor (which is a tributary of the River Soar), adjacent to the Grand Union

Canal to the south of the Borough; and, one along The Wash Brook corridor which flows west to east between north Wigston and Oadby. There is one further occurrence along the Evington Brook corridor north of Oadby and Stoughton Grange. The Strategic Flood Risk Assessment has helped inform the spatial development strategy for the Borough and is the basis on which the Sequential and Exception Tests will be applied.

10.2.8 A site-specific flood risk assessment is required for; proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and, where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

10.2.9 Appropriate management of the natural environment and major watercourses in the Borough such as the Grand Union Canal and River Sence corridor is essential to help reduce flood risk. The creation of new habitats, the planting of appropriate trees, and the creation of new woodland in appropriate places will be sought as they can help reduce the danger of both fluvial and surface water flooding.

10.2.10 The Strategic Flood Risk Assessment offers guidance on how to manage the floodplains in the Borough.

Policy 38 Climate Change, Flood Risk and Renewable Low Carbon Energy

New development proposals in the Borough shall take into account the potential risks and impacts of climate change; and, ensure that the prospect of flood risk is minimised through appropriate mitigation measures.

Climate Change

The Council will require all development proposals to make use of sustainable resources and reduce their impact upon climate change by meeting high standards of sustainable design and construction.

The Council will also expect all major-scale planning applications, including refurbishments (11 or more residential units or 1,000+ square metres of floor area) to be accompanied by a Sustainability / Energy Statement demonstrating how (potential) harmful emissions have been addressed and minimised by taking account of:

- Energy efficiency;
- Water conservation;
- Sourcing of construction materials;
- Giving consideration to site orientation aspects of a scheme;
- Promoting sustainable means of transport;
- Sustainable waste management solutions (during and post-construction); and,
- The feasibility of integrating renewable energy solutions into the development.

Flood Risk

New development proposals in the Borough must take into account the potential impact of climate change on water resources, water quality and on the level of flood risk posed, as detailed in the Council's latest Strategic Flood Risk Assessment (SFRA) and by the Environment Agency.

Development in areas that would be at risk from flooding must be avoided unless it can be demonstrated that:

- Appropriate land at lower risk is not available (and this has been evidenced through the application of the National Planning Policy Framework Sequential Test);
- There are national policies or other material considerations permitting development of that nature on land with a high risk of flooding;
- There are exceptional reasons for development to take place in that location; and,
- The localised and cumulative risk of flooding can be fully mitigated through careful design and engineering methods.

A detailed Flood Risk Assessment will be required for all development proposals greater than 1 hectare in size situated within a Flood Zone 1 and all development proposals regardless of size situated in Flood Zone 2 or 3, or in an area within Flood Zone 1 which has critical drainage problems. The assessment must identify the necessary mitigation and adaptation measures which must:

- Aim to avoid or reduce the risk of flooding and harm from it by ensuring the sequential approach has been taken and the development is safe for the lifetime of the development and will not increase flood risk to others;
- Include suitable habitat creation and not cause detriment to existing habitats and species; and
- Demonstrate how such measures form an intrinsic part of the overall development.

Development must proactively manage surface water run-off through the promotion of sustainable drainage techniques and positive land management, including the use of permeable surfacing.

Development of previously developed sites must be accompanied by a desktop study to identify any potential contamination. If there is potential for contamination to be present on site, further more detailed investigation will be required to ensure that contaminants are not mobilised through development and enter groundwater supplies or watercourses.

Renewable / Low Carbon Energy

Unless it can be demonstrated by an applicant not to be feasible or viable, all developments greater than 1 hectare in size will be required to incorporate on-site renewable energy generation and / or on-site provision of buildings that reduce the need for non renewable energy use.

The Council will support renewable or low-carbon energy schemes, subject to the following considerations:

- The degree to which the scale and nature of a proposal impacts on the landscape, particularly having regard to the Council's Landscape Character Assessment;

- The degree to which the proposal has demonstrated any environmental, economic and social benefits of a scheme as well as how any environmental or social impacts have been minimised (e.g. visual, noise or smell);
- The impact on designated sites on European, national and local biodiversity and geological; and,
- The impact on the amenity of residents and other interests of acknowledged importance, including the historic environment.

Sustainable Drainage and Surface Water

10.3.1 Traditional drainage is designed to move surface water run-off as rapidly as possible to a discharge point; either a watercourse or soak away. This approach has a number of harmful effects because run-off from impermeable surfaces can increase the risk of flooding downstream, as well as causing sudden rises in water levels and flow rates in watercourses. In addition, by diverting rainfall to piped systems, water does not soak into the ground, depleting ground water and reducing flows in watercourses in dry weather.

10.3.2 Surface water run-off can contain contaminants such as oil, organic matter and toxic metals. Although often at low levels, cumulatively they can result in poor water quality in rivers and groundwater, affecting biodiversity, amenity value and potential water abstraction. After heavy rain, the initial run-off is often highly polluting.

10.3.3 The theory that sits behind Sustainable Drainage Systems (SuDS) is that they seek to replicate the natural movement of water from a development by reducing flood risk, improving water quality and often create desirable features that can make towns and cities more attractive places to live in by enhancing the quality of life. In addition, the European Water Framework Directive requires careful management of water resources through sustainable protection of water quality. Development proposals that are likely to impact surface or groundwater should consider the requirements of the Water Framework Directive. SuDS offer an interesting and cost effective solution in delivering the Directive's requirements.

10.3.4 According to the PPG:

'Sustainable drainage systems are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- *Reduce the causes and impacts of flooding;*
- *Remove pollutants from urban run-off at source; and,*
- *Combine water management with green space with benefits for amenity, recreation and wildlife'.*

10.3.5 As well as the provision of SuDS, the creation of new habitats, the planting of appropriate trees, and the creation of new woodland will be sought as they can also help reduce the danger of both fluvial and surface water flooding.

Policy 39 Sustainable Drainage and Surface Water

The Council will require all proposals, including refurbishments (11 or more residential units or 1,000+ square metres of floor area) to incorporate appropriate Sustainable Drainage Systems in accordance with the latest National Standards for Sustainable Drainage Systems and in agreement with the Lead Local Flood Authority (LLFA) for Leicestershire.

All schemes must be informed by specific catchment and ground characteristics, and they will be required to establish the wider ranging issues relating to long-term management, adoption and maintenance of SuDS.

Where development proposals are received in areas known to be susceptible to surface water flooding issues, appropriate management and mitigation schemes will be required.

Developers will be encouraged to submit proposals that incorporate solutions to reduce the risk of flooding from the outset.

Culture and Historic Environment Assets

- 10.4.1 The NPPF requires local authorities to “*set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment*”. As well as conservation, the Council recognises that there will be opportunities to enhance the historic character of the Borough through well managed and well-designed developments.
- 10.4.2 The conservation and the sensitive re-use of significant assets in regeneration and development proposals can act as an important catalyst, adding significant social, economic and environmental value, as well as contributing positively to the quality and character of new development in the Borough.
- 10.4.3 Listed buildings are of national importance, representing the best of our historic and architectural built heritage. The Borough of Oadby and Wigston contains 37 listed buildings or structures and it is vital that any works affecting them or other buildings of local importance is guided by appreciation for their importance. In addition to nationally listed buildings, the Borough also has a number of locally significant buildings. The buildings of local significance are held within a locally derived list (see Appendix 3). The buildings contained on this list are also subject to the below policy as well as national planning policy and guidance.
- 10.4.4 There is a presumption in favour of retaining and preserving both nationally listed and locally listed buildings and features of architectural or historic interest. In order to do this, the best approach is often viewed as securing their future and then keeping them in active use.
- 10.4.5 This Local Plan policy is strategic in nature and should there ever be a relevant Neighbourhood Plan produced, any policies contained within the Neighbourhood Plan will be required to be in conformity with this Local Plan.
- 10.4.6 Both, the Leicestershire, Leicester and Rutland Historic Landscape Characterisation, as well as the Leicestershire and Rutland Historic Environment Record will be taken into account when development proposals are being determined. The Council’s Conservation Area Supplementary Planning Document and specific Conservation Area Appraisals will also be taken account of when development proposals are being determined. Development must respect and respond proportionately to non-designated heritage assets and their settings, where possible, avoiding their loss or damage. The degree of protection afforded to a heritage asset will reflect its level of historic value or significance.

Policy 40 Culture and Historic Environment Assets

The Council will conserve and enhance the Borough's unique cultural identity, as well as its significant heritage and historic character through the identification and protection of designated and non-designated heritage assets.

The Borough’s heritage assets include:

- Conservation Areas;
- Nationally and locally listed buildings and significant monuments;
- Non-designated heritage assets;

- The character of the historic cores in the Borough;
- Landscape features, including ancient woodlands and veteran trees;
- Field patterns;
- Watercourses;
- Drainage ditches and hedgerows of visual, historic or nature conservation value;
- Archaeological sites and remains; and,
- Historic parks and gardens.

All development proposals must safeguard, conserve or enhance both designated and non-designated heritage assets and their settings, as well as the character and setting of areas of acknowledged significance.

Where development is likely to have a significant adverse impact on designated heritage assets and their settings and / or non-designated heritage assets and their settings, and / or other historic / heritage character areas and cannot be avoided or they cannot be preserved in situ, the development will not be permitted, unless there are substantial public benefits, which outweigh that harm or loss.

Development in Conservation Areas

- 10.5.1 The Council's Conservation Areas Supplementary Planning Document identifies the boundaries for the Borough's nine Conservation Areas. In addition to this, there is also the Grand Union Canal Conservation Area which runs along the route of the Canal from east to west in the south of the Borough. This Conservation Area, however is County Council designated, therefore any development proposals affecting the area would need to take account of the relevant policies and guidance that the County Council produce.
- 10.5.2 The ten designated Conservation Areas in the Borough are listed below and are shown on the Council's Adopted Policies Map:
- All Saints Conservation Area, Wigston
 - London Road and Saint Peters Church Conservation Area, Oadby
 - Midland Cottages Conservation Area, South Wigston
 - North Memorial Homes and Framework Knitters Conservation Area, Oadby
 - Oadby Court Conservation Area, Oadby
 - Oadby Hill Top and Meadowcourt Conservation Area, Oadby
 - South Wigston Conservation Area, South Wigston
 - Spa Lane Conservation Area, Wigston
 - The Lanes Conservation Area, Wigston
 - The Grand Union Canal Conservation Area, (runs through the south of the Borough, east to west)
- 10.5.3 Conservation Areas exist to assist the conservation and enhancement of areas of particular architectural or historic interest. Legislation requires that special attention is paid to this objective in exercising planning control and, therefore, the Borough Council has prepared Conservation Area Appraisals and management plans for all of its designated Conservation Areas. The character of Conservation Areas is often the product of various elements such as the mixture and style of buildings, the extent and form of open spaces and other natural elements such as trees and hedges.
- 10.5.4 The demolition of buildings within Conservation Areas can have a damaging effect by removing structures that contribute to their character or leaving unsightly gaps in the built-up area. Hence, as with listed buildings, it is appropriate to employ a presumption in favour of retention. Development will not be permitted if it adversely impacts buildings, open spaces or uses which contribute towards the character of a Conservation Area.
- 10.5.5 Where a building or space makes little or no contribution to the street scene within a Conservation Area and adversely affects the setting of the Conservation Area, demolition or redevelopment may be considered appropriate where detailed plans for the site's regeneration are able to demonstrate that the proposed scheme will conserve, protect and enhance the character of the area.
- 10.5.6 This Local Plan policy is strategic in nature and should there ever be a relevant Neighbourhood Plan produced, any policies contained within the Neighbourhood Plan will be required to be in conformity with this Local Plan.

Policy 41 Development in Conservation Areas

The Council will only permit new development in Conservation Areas provided it will conserve and enhance the character and prevailing quality of the area.

Development will not be permitted where:

- Development would prejudice the essential features of the Conservation Area, including historic settlement patterns, relationships between buildings, the arrangement of open areas and their enclosure, or significant natural or heritage features;
- The detailed design of proposed buildings, including height, density, mass, layout, proportions, or materials would not respect the character of an area;
- The development would prejudice the setting and surroundings of a Conservation Area or spoil the inward or outward views; and,
- Development would prejudice the local distinctiveness, appearance or the ambience of a Conservation Area.

In order to determine the effect of proposed building and engineering works in Conservation Areas, the Council will require the submission of detailed plans and will not grant outline planning permission, unless they contain sufficient supporting information by which the impact of the proposed development on the character and appearance of the Conservation Area can be judged.

At the Council's discretion, on all major proposals for developments of 11+ dwellings or 1,000+ square metres floor space, the developer may be required to submit additional detailed design codes or statements, in accordance with the respective Conservation Area Appraisals, to fully demonstrate the impacts that the proposed scheme will have.

Demolition in a Conservation Area

Within Conservation Areas, permission for development involving demolition or substantial demolition will not be granted unless it can be demonstrated that:

- The structure to be demolished makes no material contribution to the special character or appearance of the Conservation Area;
- The structure is wholly beyond repair or incapable of beneficial use; or
- The removal of the structure and its subsequent replacement with a new building and / or open space would lead to the enhancement of the Conservation Area.

New Shop Fronts and Advertisements in Conservation Areas

The Council will not permit new shop fronts or advertisement displays in a Conservation Area unless it can be demonstrated that:

- The proposed design is sympathetic to the character and appearance of the Conservation Area;
- The proposed design respects the scale, proportions, character and materials of construction of the upper part of the relevant building and adjoining buildings within the street scene in general; or,

- The proposed approach incorporates traditional materials where the age and character of the building makes this appropriate.

Internally illuminated advertisement fascias or projecting signs will not be permitted, except in exceptional circumstances.

The Council will not support applications for additional signs that would result in a proliferation of advertisement material on any individual building or group of buildings.

Green Wedges

- 10.6.1 The purpose of the Green Wedges situated within the Borough is to protect important areas of open land which influence development form and have a positive effect on people's health and well being. The Green Wedge policy seeks to retain and where possible enhance important areas of open land that meet the criteria, as set out.
- 10.6.2 There are currently two Green Wedges situated within the Borough, both of which cross administrative boundaries into neighbouring Local Authority areas.
- 10.6.3 The Oadby and Wigston Green Wedge spans the administrative boundary with Leicester City to the north west. The green wedge in its entirety is just shy of 210 hectares, with the Borough's designation being circa 168 hectares in size and separating the urban settlement areas of Oadby and Wigston entirely. The green wedge runs north west to south east from Leicester City out towards the open countryside to the south of Oadby and east of Wigston. As well as farm land and open countryside the green wedge comprises of many appropriate leisure activity uses including sports grounds and training facilities, a racecourse, a golf course and a country park.
- 10.6.4 The Oadby, Thurnby and Stoughton Green Wedge is situated to the north east of Oadby and crosses administrative boundaries with Leicester City and Harborough District. The overall area of the green wedge is circa 467 hectares. The Borough's designation makes up approximately 93 hectares of the total designation size. The area of green wedge that lies within the Borough runs from a north west to south easterly direction and begins at the Borough boundary close to the B582 Gartree Road and extends out towards the countryside to the north of Manor High School in Oadby. Land uses currently situated within the Borough's green wedge area include sports pitches, open fields and a private hospital.
- 10.6.5 With the Borough being relatively compact and urban in nature, Green Wedges are extremely important; they play major roles in shaping the character of the environment and help stimulate leisure and tourism whilst improving residents and visitors quality of life.
- 10.6.6 As well as guiding development form and effecting residents positively, Green Wedges are key green areas within the Borough's Green Infrastructure network and support the Borough's biodiversity. The Green Wedges within the Borough act as important strategic green infrastructure corridors linking green areas within the urban area to the countryside as well as other key strategic green infrastructure corridors such as the Grand Union Canal and railway corridors.
- 10.6.7 For the purposes of this Plan the Council has released areas of green wedge to provide land for future development. To ensure that the most appropriate areas were released, the Council undertook a Green Wedge Review, that assessed both of the Borough's green wedges in their entirety against a Leicester and Leicestershire wide agreed methodology.
- 10.6.8 Any development proposed that may have an effect on the Green Wedges within the Borough will also need to ensure that it conforms to the policy recommendations as set out in the Council's latest Landscape Character Assessment. All development needs to respect the character of its surroundings and should be sympathetic to the local landscape.
- 10.6.9 For avoidance of doubt, the green wedge designation boundaries within the Borough are identified on the Council's Adopted Policies Map.

Policy 42 Green Wedges

Green Wedges protect important areas of green land within the Borough and the Council will retain these areas as open and undeveloped.

The objectives of all Green Wedges situated within the Borough are to:

- Prevent the merging of settlements;
- Guide development form;
- Provide a 'green lung' between the urban area and the countryside; and
- Act as a recreational resource.

Due to the open and undeveloped nature of the Green Wedges, the Council will allow uses that are consistent with the following.

- Agriculture, horticulture and allotments and associated development necessary to facilitate and support these uses;
- Outdoor leisure, recreation and sporting facilities and associated development necessary to facilitate and support these uses;
- Forestry and bodies of water and associated development necessary to facilitate and support these uses;
- Footpaths, bridleways and cycle ways; and,
- Burial grounds and associated development necessary to facilitate and support these uses.

The Council will support proposals that retain and enhance public access into the Borough's Green Wedges, as well as proposals that retain and enhance the role that the Green Wedges play in the Borough's Green Infrastructure Network and its biodiversity.

Road proposals or dedicated public transport routes within the Borough that are evidenced as being required will only be acceptable where it has been proven that there are no alternative routes outside of the Green Wedge. Any proposal that has an adverse impact on the Green Wedge will only be permitted where there is a justifiable need which outweighs these impacts and where a Landscape Character Assessment has been undertaken to ensure that all detrimental impacts that a development may cause have been addressed and can be mitigated.

Countryside

- 10.7.1 In line with the Spatial Strategy for the Borough, where possible, development shall primarily be focussed within the town and district centres, the Leicester PUA and Direction for Growth Allocations to minimise development in the countryside. As set out in Chapter 7 of this Plan, land previously designated as countryside adjoining the Leicester PUA will be released to accommodate future growth.
- 10.7.2 This policy provides protection against inappropriate development in the countryside and establishes the criteria for the types of development that may be appropriate. New development in the countryside will only be permitted where a justifiable need can be demonstrated consistent with the principles set out in the NPPF. Where development does take place in the countryside, it must be sympathetically designed and located so as to provide as little disturbance as possible to the open nature of the countryside and to protect the various Green Infrastructure asset that it supports.
- 10.7.3 Although the Borough of Oadby and Wigston is predominantly urban, land to the south and east within the local authority boundary plays an important role in providing the residents of the Borough and the wider Leicester PUA access to open countryside. The majority of the Borough's population live within the built up areas around the centres of Wigston, Oadby and South Wigston. However, it is also imperative that where appropriate, necessary forms of development to meet the needs of residents in the more rural areas are supported.
- 10.7.4 As a small and predominately urban Borough, the landscape plays a major role in shaping the character of our environment, both through stimulating leisure and tourism and supporting the overall 'quality of life'. The Oadby and Wigston Landscape Character Assessment identifies a number of landscape character areas across the Borough and it is important that both the quality and distinctive characteristics of these areas are conserved and enhanced when new development occurs. Therefore, in order to ensure that any new development respects this character and enhances it, new development affecting the countryside should relate well to the existing landscape and be sympathetic to its surroundings.
- 10.7.5 The extent of the Countryside within the Borough will be identified on the Council's Adopted Policies Map.

Policy 43 Countryside

Land outside of the Leicester PUA, defined limits to development, direction for growth allocations and Green Wedges will be defined as Countryside.

The openness and intrinsic qualities of the Countryside will be protected. The Borough Council will promote good management of the Countryside whilst allowing it to adapt to the identified needs of the community.

Some forms of development may be required in the Countryside. Development justified as necessary in the Countryside must be appropriate in terms of layout, scale, height, materials, form, impact and siting.

Development must not adversely affect landscape, wildlife, the ecological, geological, environmental, archaeological or historic resources of the specific site and the surrounding areas.

Any development proposal causing adverse impacts in the Countryside will only be permitted where there is a justifiable need which outweighs these impacts and where a Landscape Character Assessment has been undertaken to ensure that all detrimental impacts that a development may cause have been assessed and can be mitigated.

Landscape and Character

- 10.8.1 Together with the Council's Conservation Area Appraisals, the Borough Council's Landscape Character Assessment helps to assist the Council in ensuring that development proposals in the most distinctive urban and rural character areas in the Borough are not only informed by and sympathetic to townscape and landscape character, but also, they contribute towards the regeneration, restoration, maintenance and conservation of the areas affected.
- 10.8.2 It is important for the Council to recognise and to protect the Borough's most distinctive and attractive landscapes through careful and consistent planning policies. The Borough contains ten Conservation Areas, as well as a number of nationally and locally listed buildings and important urban and rural character areas.
- 10.8.3 Landscape Character Assessments, Conservation Area Appraisals, Management Plans, Development Briefs and Supplementary Planning Documents support the Council in preserving and enhancing all areas with distinctive landscape character in the Borough.
- 10.8.4 These tools are particularly useful when the Council receives a development proposal in an area where landscape and character is pertinent and applicants are able to prepare relevant supporting evidence setting out how the impacts of the proposed development will be managed and mitigated.
- 10.8.5 The Borough's Landscape Character Assessment identifies that the Borough is made up of a series of urban and rural character areas. Each area is significant for its own unique blend of character and the Council will seek to ensure that wherever possible, development proposals retain and / or enhance the surrounding quality. For example, Oadby Arboretum Urban Landscape Character Area is locally significant and valued due to its distinctive character of having large plot sizes and attractive, leafy, suburbs.

Policy 44 Landscape and Character

All development proposals within the Borough will be determined against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.

Development proposals will only be permitted where it is in keeping with the area in which it is situated. Development proposals that are contrary to the policy guidance as set out within the Council's Landscape Character Assessment, the Conservation Areas Supplementary Planning Document and / or the Conservation Area Appraisals will not be approved.

Development proposals that have a potential adverse impact on nationally designated areas or features of landscape and cultural significance will not be permitted.

Local Green Space

10.9.1 The NPPF introduced a Local Green Space (LGS) designation. The LGS designation is a way to provide special protection against development for green open areas of particular importance to local communities.

10.9.2 The NPPF suggests that local communities should be given the opportunity to identify green areas of particular importance to them through local and neighbourhood plans. It also suggests that the designation would have a high degree of protection from new development due to its local importance. Importantly national planning policy makes it clear that this designation should be consistent with wider planning policy for the area and should complement investment in the provision of new homes, employment opportunities and other essential services.

10.9.3 The NPPF specifies that LGS designation will not be appropriate for most green areas or open space. Further, the designation should only be used in the following circumstances:

- Where the green space area is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

10.9.4 Whilst the NPPF establishes the concept of LGS designation and provides some guiding principles, it leaves it to local authorities, in partnership with local communities to determine how to implement this at the local level. The Council will ensure that its approach is consistent with NPPF policy relating to Green Belt, when considering planning applications in or adjoining LGS.

10.9.5 All areas designated as Local Green Space are identified on the Adopted Policies Map.

Policy 45 Local Green Space

In areas designated as Local Green Space, new development that would cause harm to the local significance of the Local Green Space will not be permitted except in very special circumstances. Very special circumstances will not exist unless it can be demonstrated that the harm to the local significance of the Local Green Space is clearly outweighed by other considerations. Proposals put forward to the Council for Local Green Space designation will be assessed against the criteria set out within national planning policy.

Chapter Eleven – Delivery Plan

Infrastructure and Developer Contributions

- 11.1.1 Developer contributions (sometimes also referred to as planning obligations) are used to address specific planning issues arising from a development scheme that cannot be mitigated through planning conditions. Developer contributions are set out in legal agreements under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended). They may be agreed between the Council, the County Council, landowners and developers, or, they may also be unilaterally proposed by a landowner and agreed by the Council.
- 11.1.2 Depending upon the size and density of new development, very often, it puts pressure on existing local infrastructure because of the inevitable population increase, which in turn creates additional demand on services and facilities. Therefore, development proposals will need to identify what impact they are likely to have upon the surrounding area and where necessary, the funding towards or provision of the necessary infrastructure to mitigate that impact. This will need to be agreed to ensure the delivery of sustainable growth now and in the future.
- 11.1.3 Examples of infrastructure items, services or facilities that may be delivered to mitigate the impact of new development could include, but is not limited to, the following:
- affordable or specialist housing needs;
 - open space and play facilities;
 - sporting, recreation and leisure facilities;
 - local education provision;
 - allotment provision;
 - highways and public transport improvements / provision;
 - healthcare provision and social services;
 - utility services;
 - telecommunications, particularly superfast broadband;
 - local waste management and recycling;
 - environmental works, including protection and enhancement of local biodiversity, the cultural and historic environment and other local green spaces, tree planting and green infrastructure enhancement projects;
 - new provision of and/or improvements to community buildings;
 - public art or public realm (including street lighting) enhancements in key locations;
 - cemetery provision;
 - crime prevention and community safety initiatives;
 - water and drainage facilities; and,
 - flood protection schemes.
- 11.1.4 The Council has developed an Infrastructure Delivery Plan (IDP) that will contain a 'live' infrastructure project list. The document seeks to identify all local and strategic infrastructure deemed necessary to support sustainable delivery of growth in the Borough over the plan period to 2031. Joint working with neighbouring local authorities and other agencies such as utility companies or service delivery partners will be a key element to identify and to successfully deliver necessary infrastructure.

11.1.5 Historically, the Council has relied upon the negotiation of Section 106 Agreements in order to secure developer contributions or their equivalent to help to fund the delivery of local infrastructure. However, since the Community Infrastructure Levy Regulations came into force, as well as further restrictions imposed upon local authorities by the National Planning Policy Framework and the ongoing changes to the National Planning Practice Guidance, the collection and use of developer contributions is becoming more and more restricted.

11.1.6 Therefore, in the meantime, all developer contributions to be sought by the Council will be carefully assessed and monitored to ensure that they meet the statutory tests included within the National Planning Policy Framework and in accordance with the limitations placed upon pooling, as set out in the Community Infrastructure Levy Regulations, as well as guidance set out in the National Planning Practice Guidance. Any contributions sought by the Council will be done so through the guidance set out in the Council's Developer Contributions Supplementary Planning Document.

Viability

11.1.7 Should the developer consider that the level of contributions required would render the scheme financially unviable, sufficient information must be provided on an 'open book' basis to enable the viability of the scheme to be comprehensively assessed. The assessment must be provided to the Council with the submission of the relevant planning application. If material changes to the scheme are made after the submission of the viability appraisal, a revised version of the appraisal should be submitted, together with an explanation of the changes to the proposal.

11.1.8 The Council's Planning Control Case Officer will procure an independent review by a viability expert to scrutinise any submitted viability evidence, if it is felt that there is a need to do so. The applicant will be required to pay for this assessment and for any other associated costs that arise.

Community Infrastructure Levy

11.1.9 The Council has assessed the option of developing a Community Infrastructure Levy charging schedule. The assessment deemed that negotiating planning obligations through the Section 106 process would still be the most appropriate and viable method for the Council. The Council will continue to assess the viability of adopting a Community Infrastructure Levy charging schedule and will update the Developer Contributions Supplementary Planning Document accordingly, should circumstances change.

Cross Boundary Contributions

11.1.10 Due to the location of the Borough, directly adjacent to the local authority areas of Leicester City, Harborough District and Blaby District, development that occurs within the Borough could have negative impacts on the infrastructure in these other local authority areas. The same can be said for development that occurs within any of the mentioned local authorities; it could have negative impacts within the Borough.

11.1.11 As an example, the two main arterial highway routes (the A6 and A5199) that link Harborough District to Leicester City from the south, run continuously through the Borough, therefore any development that increases traffic volumes on these two routes could have a negative impact upon the infrastructure within the Borough.

11.1.12 Through collaborative working, including liaison with Leicestershire County Council, any development that has an impact within the Borough will be required to contribute towards the provision of and / or financial contribution towards necessary mitigation infrastructure measures.

Policy 46 Infrastructure and Developer Contributions

Developer contributions will be used by the Council to deliver the infrastructure required to facilitate sustainable growth. This may include (but is not limited to) measures to mitigate the impacts of development and to meet the costs of providing required on and off-site infrastructure, as identified in the Council's Infrastructure Delivery Plan, and other measures to make new growth acceptable in planning terms.

All contributions sought through Section 106 agreements will be in accordance with the Community Infrastructure Levy Regulations and will therefore be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

For all new development proposals, it will be necessary to establish both the isolated and cumulative impact that they may have upon the surrounding infrastructure network and / or any cross boundary detrimental impact they have also.

Any development that has an impact within the Borough (or neighbouring authority areas) will be required to contribute towards the provision of and / or financial contribution towards necessary mitigation infrastructure measures.

Chapter 12 Monitoring Framework

- 12.1.1 The purpose of this Chapter is to identify the key indicators that will be used to monitor the delivery of the Local Plan and its Objectives, through measuring the performance of the related key policies.
- 12.1.2 The key indicators identified will be monitored by the Council on, at least, an annual basis through the production of the various monitoring documents, including the Annual Monitoring Report (AMR). Monitoring the performance of policies within the Local Plan is critical, due to the planning and building profession being fluid and ever changing. Policies need to be appropriate and relevant in order to deliver the objectives of the Local Plan. Each of the Objectives and their relevant policies and targets are set out in the schedules below.
- 12.1.3 It must be noted that although monitoring will be undertaken on at least an annual basis, not all indicators are annually set targets. However, regular monitoring will give a clear picture of one off events or ongoing problems / issues.
- 12.1.4 If monitoring indicates that further action is needed in order to accomplish an Objective, the policies contained within this Plan will be assessed and updated where necessary.

Monitoring Review Triggers

- 12.1.5 The Council is aware that although this Plan covers the period up to 2031, there may be instances when a partial or full review of the Plan may be required. In addition, the National Planning Practice Guidance recommends that Local Plans are updated in whole or in part at least every 5 years. Therefore the Council will commence a partial or full review of the Local Plan no later than five years from the adoption of this Plan, or earlier, in conformity with the policy below.

Policy 47 Review Triggers

Oadby and Wigston Borough Council is committed to meeting its own requirements for housing, employment, other development, and infrastructure. The Council will regularly monitor delivery of new development in the context of policies and targets within this Plan.

The Council will commence a full or partial review no later than 5 years from adoption of the Plan, or where monitoring of targets set out in Chapter 12 of the Plan, identify significant and persistent shortfalls in the delivery of housing, employment, other development, and / or infrastructure that deviates significantly from the Plan strategy.

The Council will commence a full or partial review if a local authority within the Leicester and Leicestershire Housing Market Area has an evidenced unmet need, which cannot be met by that local authority and which it is considered through the Duty to Cooperate by the Leicester and Leicestershire Members Advisory Group could be best met, in whole or in part, within the Borough of Oadby and Wigston.

The Council will also commence a full or partial review should the post 2031 development strategy set out within the Leicester and Leicestershire Strategic Growth Plan be capable of coming forward earlier than is currently anticipated, for example because the A46 Expressway is to be delivered.

Should a full or partial review be triggered by any of the above, the Council will commence the review (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 6 months. Once the review has commenced the Council will submit the Plan Review to the Planning Inspectorate for Examination within a further 24 months of the date of commencement of the review. In the event that the Council does not submit the Plan Review to the Planning Inspectorate within 24 months of the date of commencement of the review, the parts of the Plan that are under review will be deemed out of date, if not already deemed out of date by virtue of national policy.

Spatial Objective	Key relevant policies	Other related policies	Target(s)/ Threshold(s)	Potential risk(s) to delivery	Possible action if target is not met
Spatial Objective 1: Regeneration of town and district centres	Policy 2 Spatial Strategy for the Borough; Policy 22 Delivering Retail	Policy 3; Policy 8.2; Policy 23; Policy 24; Policy 26; Policy 27; Policy 28; Policy 29; Policy 30; Policy 31; Policy 32; Policy 33; Policy 34; Policy 35; Policy 36; and, Policy 46	Provision of new homes, retail use space and B1 employment use space within the Borough's three main centres. Ensure levels of vacant units remain low and areas of public realm are regenerated.	Economic downturn or continued growth in 'online' retail shopping. Unforeseen physical constraints. Growth of out of Borough retail centres. Unplanned growth. Tightening of finance availability. Reduction in public transport services, within or close to the Borough's main centres.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Investigate potential funding streams for redevelopment and / or regeneration. If appropriate to do so, bring forward other sites allocated within the Plan sooner than envisaged. Stimulate demand for new housing, employment and retail opportunities through active promotion of sites.
Spatial Objective 2: Wigston town centre	Policy 2 Spatial Strategy for the Borough; Policy 22 Delivering Retail	Policy 3; Policy 6; Policy 10; Policy 12; Policy 23; Policy 24; Policy 26; Policy 27; Policy 28; Policy 29; Policy 30; Policy 31; Policy 32; Policy 33;	8,250 sqm of new office floorspace (2011 – 2031) 1,169 sqm of additional retail floorspace (2011 – 2031) 129 new residential units	Economic downturn or continued growth in 'online' retail shopping.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising

		Policy 34; Policy 35; Policy 3; Policy 40; Policy 41; and, Policy 46	<p>(2011 – 2031)</p> <p>At least the number of existing car parking spaces (2011 – 2031)</p> <p>70 per cent of all units within the primary frontages in Wigston town centre are in A1 use (2011 – 2031)</p> <p>90 per cent of all units within the primary frontage in Bell Street (Wigston) are in A1 use (2011 – 2031)</p> <p>Proposed development sites that have a gross site size of 0.3 hectares and larger and are located within the town centre boundary of Wigston will be required to achieve an average density of at least 50 dwellings per hectare</p>	<p>Unforeseen physical constraints.</p> <p>Growth of out of Borough retail centres.</p> <p>Tightening of finance availability.</p> <p>Reduction in public transport services, within or close to the Borough's main centres.</p>	<p>with landowners and developers.</p> <p>Investigate potential funding streams for redevelopment and / or regeneration.</p> <p>If appropriate to do so, bring forward other sites allocated within the Plan sooner than envisaged.</p> <p>If appropriate to do so, lower retail unit percentages within the relevant locations.</p> <p>Stimulate demand for new retail opportunities through active promotion of sites.</p>
Spatial Objective 3: Oadby district centre	Policy 2 Spatial Strategy for the Borough; Policy 22 Delivering Retail	Policy 3; Policy 6; Policy 10; Policy 12; Policy 23; Policy 24; Policy 26; Policy 27; Policy 28; Policy 29; Policy 30; Policy 31; Policy 32; Policy 33; Policy 34; Policy 35; Policy 3; Policy 40; and, Policy 46	<p>800 sqm of new commercial floorspace (2011 – 2031)</p> <p>1,050 sqm of additional retail floorspace (2011 – 2031)</p> <p>76 new residential units (2011 – 2031)</p> <p>At least the number of existing car parking spaces (2011 – 2031)</p>	<p>Economic downturn or continued growth in 'online' retail shopping.</p> <p>Unforeseen physical constraints.</p> <p>Growth of out of Borough retail</p>	<p>Identify the problem and / or cause of poor performance.</p> <p>Consider a review of the planning policy itself.</p> <p>Be more proactive in liaising with landowners and developers.</p> <p>Investigate potential funding streams for redevelopment and / or regeneration.</p>

			<p>65 per cent of all units within the primary frontages in Oadby district centre are in A1 use (2011 – 2031)</p> <p>Proposed development sites that have a gross site size of 0.3 hectares and larger and are located within the district centre boundary of Oadby will be required to achieve an average density of at least 50 dwellings per hectare</p>	<p>centres.</p> <p>Tightening of finance availability.</p> <p>Reduction in public transport services, within or close to the Borough's main centres.</p>	<p>If appropriate to do so, bring forward other sites allocated within the Plan sooner than envisaged.</p> <p>If appropriate to do so, lower retail unit percentages within the relevant locations.</p> <p>Stimulate demand for new retail opportunities through active promotion of sites.</p>
Spatial Objective 4: South Wigston centre	Policy 2 Spatial Strategy for the Borough; Policy 22 Delivering Retail	Policy 3; Policy 6; Policy 10; Policy 12; Policy 23; Policy 24; Policy 26; Policy 27; Policy 28; Policy 29; Policy 30; Policy 31; Policy 32; Policy 33; Policy 34; Policy 35; Policy 3; Policy 40; Policy 41; and, Policy 46	<p>373 sqm of additional retail floorspace (2011 – 2031)</p> <p>Proposed development sites that have a gross site size of 0.3 hectares and larger and are located within the district centre boundary of South Wigston will be required to achieve an average density of at least 50 dwellings per hectare</p>	<p>Economic downturn or continued growth in 'online' retail shopping.</p> <p>Unforeseen physical constraints.</p> <p>Growth of out of Borough retail centres.</p> <p>Tightening of finance availability.</p> <p>Reduction in public transport services, within or close to the Borough's main</p>	<p>Identify the problem and / or cause of poor performance.</p> <p>Consider a review of the planning policy itself.</p> <p>Be more proactive in liaising with landowners and developers.</p> <p>Investigate potential funding streams for redevelopment and / or regeneration.</p> <p>Stimulate demand for new retail opportunities through active promotion of sites.</p>

				centres.	
Spatial Objective 5: Improved employment opportunities	Policy 19 – Oadby Sewage Treatment Works; Policy 20 – Wigston Direction for Growth Allocation; Policy 25 – Protecting Identified Employment Areas.	Policy 2; Policy 3; Policy 6; Policy 10; Policy 26; Policy 46.	At least 8 hectares of new employment use land provided during the Plan period.	<p>Economic downturn</p> <p>Unforeseen physical constraints.</p> <p>Unplanned growth of out of Borough industrial centres.</p> <p>Tightening of finance availability.</p> <p>Severn Trent decides to keep the site in use, rather than cease its current use.</p> <p>Site becomes unattractive to the market for employment development.</p> <p>Site releasing infrastructure delays.</p>	<p>Identify the problem and / or cause of poor performance.</p> <p>Consider a review of the planning policy itself.</p> <p>Be more proactive in liaising with landowners and developers.</p> <p>Investigate potential funding streams for redevelopment and / or regeneration.</p> <p>If appropriate to do so, bring forward other sites that are not allocated within the Plan but become available for employment development.</p> <p>Stimulate demand for new employment opportunities through active promotion of the site.</p>
Spatial Objective 6: Accessible	Policy 26 – Sustainable Transport and	Policy 2; Policy 5; Policy 6; Policy 10; Policy 17; Policy 18;	No specific targets are contained within this Plan.	Unforeseen physical constraints.	Identify the problem and / or cause of poor performance.

transport links	Initiatives	Policy 19; Policy 20; Policy 21; Policy 46.		Tightening of finance availability. Reduction in public transport services.	Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers, and public transport stakeholders. Investigate potential funding streams for redevelopment and / or regeneration.
Spatial Objective 7: Growth of the Leicester PUA	Policy 2 Spatial Strategy for the Borough; Policy 12 – Housing Density	Policy 3; Policy 6; Policy 13; Policy 14; Policy 15; Policy 18; Policy 19; Policy 20; Policy 21; Policy 25; Policy 26; Policy 38; Policy 40; Policy 46.	250 + 768 new residential units (2011 – 2031) Proposed development sites that have a gross site size of 0.3 hectares and larger and are located outside of the town centre boundary of Wigston or district centre boundaries of Oadby and South Wigston, but within the Leicester PUA will be required to achieve an average density of at least 40 dwellings per hectare.	Economic downturn Unforeseen physical constraints. Unplanned growth of out of Borough residential development. Tightening of finance availability. Site becomes unattractive to the market for residential development. Site releasing infrastructure delays.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. If appropriate to do so, bring forward other sites allocated within the Plan sooner than envisaged. Stimulate demand for new development opportunities through active promotion.

				Land values drop considerably meaning developers begin to build at lower densities.	
Spatial Objective 8: A balanced housing market	Policy 2 – Spatial Strategy for Development within the Borough; Policy 11 – Housing Choices; Policy 13 – Affordable Housing; Policy 16 – Gypsies, Travellers and Travelling Showpeople	Policy 5; Policy 12; Policy 15; Policy 17; Policy 18; Policy 20; Policy 21; policy 46	<p>The Council will maintain a rolling 5 year supply of housing land in conformity with national planning policy and guidance. In doing so the Council will also take account of the housing trajectory set out within Policy 2 of this Plan.</p> <p>Proposed development sites that have a gross site size of 0.3 hectares and larger and are not situated within any of the above locations will be required to achieve an average density of at least 30 dwellings per hectare.</p>	<p>Economic downturn</p> <p>Unforeseen physical constraints.</p> <p>Unplanned growth of out of Borough residential development.</p> <p>Tightening of finance availability.</p> <p>Site becomes unattractive to the market for residential development.</p> <p>Site releasing infrastructure delays.</p> <p>Land values drop</p>	<p>Identify the problem and / or cause of poor performance.</p> <p>Consider a review of the planning policy itself.</p> <p>Be more proactive in liaising with landowners and developers.</p> <p>If appropriate to do so, bring forward other sites allocated within the Plan sooner than envisaged.</p> <p>Stimulate demand for new development opportunities through active promotion and call for sites processes.</p>

				considerably meaning developers begin to build at lower densities.	
Spatial Objective 9: Healthy lifestyles	Policy 5 – Improving Health and Wellbeing; Policy 7 – Community Facilities; Policy 8 – Green Infrastructure; Policy 9 – Open Space, Sport and Recreation Facilities; Policy 37 – Biodiversity and Geodiversity	Policy 1; Policy 2; Policy 4; Policy 6; Policy 10; Policy 17; Policy 26; Policy 36; Policy 42; Policy 44; Policy 45; Policy 46	No net loss of biodiversity and / or Geodiversity during the Plan period. No net loss of Green Infrastructure during the Plan period. No net loss of open space, sport and / or recreation spaces during the Plan period.	National policy changes to be less protective of green infrastructure assets. Housing needs significantly increases. More undeveloped land required. Unplanned development growth.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Stimulate demand for new green infrastructure opportunities through active promotion. Work closely with local groups as well as more national groups, such as Natural England.
Spatial Objective 10: High quality and sustainable design	Policy 6 – High Quality Design and Materials; Policy 40 – Culture and Historic Assets; Policy 44 – Landscape and Character	Policy 3; Policy 10; Policy 11; Policy 15; Policy 32; Policy 33; Policy 46	No specific targets are contained within this Plan.	National policy changes to be less wanting of high quality design and sustainable development. Unplanned growth. National policy relating to	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Work closely with local groups as well as more national groups, such as Historic

				heritage assets is diluted.	England.
Spatial Objective 11: Conserving and enhancing green (including water assets) infrastructure	Policy 8 – Green Infrastructure; Policy 37 – Biodiversity and Geodiversity; Policy 42 – Green Wedges; Policy 43 – Countryside; Policy 44 – Landscape and Character; Policy 45 – Local Green Space	Policy 1; Policy 9; Policy 17; Policy 38; Policy 39; Policy 46	No net loss of Green Infrastructure during the Plan period.	National policy changes to be less protective of green infrastructure assets. Housing needs significantly increases. More undeveloped land required. Unplanned development growth.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Stimulate demand for new green infrastructure opportunities through active promotion. Work closely with local groups as well as more national groups, such as Natural England.
Spatial Objective 12: Enhancing Local Heritage	Policy 40 – Culture and Historic Environment Assets; Policy 41 – Development in Conservation Areas	Policy 2; Policy 6; Policy 32; Policy 46	No specific targets are contained within this Plan.	National policy changes to be less wanting of high quality design and sustainable development. Unplanned growth. National policy relating to heritage assets is diluted.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Work closely with local groups as well as more national groups, such as Historic England.
Spatial	Policy 42 – Green	Policy 2; Policy 8;	No unplanned loss of Green	National policy	Identify the problem and / or

Objective 13: Green Wedges and the Countryside	Wedges; Policy 43 – Countryside	Policy 44; Policy 45; Policy 46	Wedge. No unplanned loss of Countryside.	changes to be less protective of green infrastructure assets. Housing needs significantly increases. More undeveloped land required. Unplanned development growth.	cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Stimulate demand for new green infrastructure opportunities through active promotion. Work closely with local groups as well as more national groups, such as Natural England.
Spatial Objective 14: Kilby Bridge Regeneration	Policy 17 – Kilby Bridge Settlement Envelope	Policy 2; Policy 5; Policy 6; Policy 10; Policy 11; Policy 37; Policy 38; Policy 39; Policy 40; Policy 44; Policy 46	Up to 40 new residential units (2011 – 2031) All development built at approximately 30 dwellings per hectare (2011 – 2031)	Economic downturn. Unforeseen physical constraints. Unplanned growth. Tightening of finance availability. Reduction in public transport services.	Identify the problem and / or cause of poor performance. Consider a review of the planning policy itself. Be more proactive in liaising with landowners and developers. Investigate potential funding streams for redevelopment and / or regeneration. Stimulate demand for new small scale housing, employment and retail opportunities through active promotion of sites.

Appendix One – Glossary

Affordable housing: Affordable housing includes social rented, Starter Homes and intermediate housing, provided to specified eligible households whose needs are not met by the market.

Affordable Housing Viability Assessment: study to inform existing and future planning policy with regard to the delivery of affordable housing. Specifically, the Affordable Housing Viability Assessment examines the impacts on development viability of applying existing and potential affordable housing percentages, unit thresholds and tenures on residential development sites.

Annual Monitoring Report: The annual monitoring report will assess the implementation of the local development scheme and the extent to which policies in the Local Plan are being successfully implemented.

Town and District Centre Guidance document: The document setting out the principles and objectives for the town centre of Wigston and the District centres of Oadby and South Wigston. The document illustrates one viable way of implementing the levels of development set out within this Plan.

Biodiversity: The whole variety of life encompassing all genetics, species and ecosystem variations.

Building Regulations: Statutory Instruments governing the standards required for buildings and their construction.

BREEAM: Buildings Research Establishment Environmental Assessment Method – is the most widely used environmental assessment method for commercial buildings.

Brownfield land: land that was developed but is now vacant or derelict, and land currently in use with known potential for redevelopment.

Building for Life Standard: A national standard for well designed homes and communities.

Comparison goods floor space: retail floor space that is used for the sale of non-food items.

Community: a specific group of people who all hold something in common. Community has tended to be associated with two key aspects: firstly people who share locality or geographical place; secondly people who are communities of interest.

Community engagement: the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the well being of those people.

Community Infrastructure: The infrastructure needed to make a development 'fit for purpose'. In the context of the Local Plan, the provision of new roads, new schools or new flood protection would all be examples.

Community Infrastructure Levy: The Community Infrastructure Levy is a charge on most types of new development in an area. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

Conservation Area: an area of special architectural or historic interest identified by the Local Planning Authority under the Planning (Listed Buildings & Conservation Areas) Act 1990. There is a statutory duty to preserve or enhance the character or appearance of such areas.

Convenience goods floor space: retail floor space that is used for the sale of food and drink.

Core Strategy: A development plan document that set out the long term vision for a local planning authority area, the strategic objectives, and the strategic planning policies needed to deliver that vision.

Cultural facilities: Facilities of a cultural nature such as libraries, theatres and museums.

Developer Contributions: Developer Contributions assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Developer Contributions can be provided by on-site or off-site physical contributions, or via off-site financial contributions.

Development Plan Documents: spatial planning documents that are subject to independent examination, and together with Supplementary Planning Documents, will form the development plan for a local authority area for the purposes of the Act. Each authority must set out the programme for preparing its development plan documents in the Local Development Scheme.

Duty to Cooperate: The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

Employment Land and Premises Study: A local study that assesses the employment land needs for the Borough up to 2031.

Environmental Impact Assessment: An Environmental Impact Assessment is an assessment of the possible impact - positive or negative - that a proposed project may have on the environment; considering natural, social and economic aspects.

Evidence base: information gathered by the planning authority to support preparation of local development documents. It includes quantitative and qualitative data.

Greenfield land: land that has never been built on or where the remains of any structure or activity have blended into the landscape over time. Greenfield land should not be confused with green belt land.

Green Wedge: Green Wedges are strategic open land which can help shape urban growth. They can assist in preserving and enhancing links between urban areas and the countryside and can facilitate the positive management of land.

Green Infrastructure: Green Infrastructure is the physical environment within and between cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside.

Housing and Economic Development Needs Assessment (HEDNA): An evidence base study that identifies the Objectively Assessed Housing and Employment Needs for the Leicester and Leicestershire Housing Market Area.

Identified Employment Areas: Are areas that provide key employment land within the Borough. They consist of business and industrial premises.

Leicester Principal Urban Area: The Leicester Principal Urban Area encompasses all the administrative area of Leicester City and parts of Blaby, Charnwood, Harborough, Hinckley and Bosworth and Oadby and Wigston districts.

Leicester and Leicestershire Housing Market Area: The Leicester and Leicestershire Housing Market Area covers the City of Leicester and the County of Leicestershire, which includes the District of Blaby, Charnwood Borough, Harborough District, Hinckley and Bosworth Borough, Melton Borough, North West Leicestershire District, and Oadby and Wigston Borough.

Local Development Documents: comprise of Development Plan Documents and Supplementary Planning Documents.

Local Development Framework: A Local Development Framework is a folder of Local Development Documents outlining how planning will be managed in the area.

Local Development Scheme: sets out the programme for the preparation of local development documents.

Monitoring: regular and systematic collection and analysis of information to measure policy implementation.

National Planning Policy Framework (NPPF): Sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

National Planning Practice Guidance (PPG): is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

Public Realm: the space between and within buildings that is publicly accessible.

Residential Land Availability Report: The Residential Land Availability and Five Year Housing Supply are part of an annual monitoring exercise that assesses housing provision and supply in the Borough.

6C's The 6Cs sub-region as defined in the East Midlands Regional Plan has an existing population of 1.9m people. It includes the 3 cities of Leicester, Derby and Nottingham and the 3 Counties of Leicestershire, Derbyshire and Nottinghamshire.

Smarter Choices: This is general description for 'soft' transport policy initiatives aimed at changing the way that individuals travel. These seek to give better information and opportunities to help people to choose to reduce car use while enhancing the attractiveness of alternatives. They can include work place and school travel plans; car clubs and car sharing; tele-working, teleconferencing and home shopping.

Spatial Planning: refers to the methods used by the public sector to influence the distribution of people and activities in spaces of various scales. Spatial planning includes all levels of land use planning including urban planning, regional planning, environmental planning and national spatial plans. It goes beyond traditional land-use planning to bring together and integrate policies for the

development and use of land with other policies and programmes which influence the nature of places and how they function.

Statement of Community Involvement: sets out the standards which the planning authority intends to achieve in relation to involving the community in the preparation, alteration and continuing review of all local development documents and in significant development management decisions. It also sets out how the planning authority intends to achieve those standards. The statement of community involvement is not a development plan document but is subject to independent examination.

Strategic Flood Risk Assessment: provides further information on flood risk, and raises and informs a crucial debate that involves all those involved in the development process. The Strategic Flood Risk Assessment will identify constraints which will assist in the formulation of planning policies, it will aid the identification of the development potential of proposed sites and will aid in assessing future development proposals.

Strategic Housing Land Availability Assessment: a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. These assessments are required by national planning policy, set out in Planning Policy Statement 3: Housing (June 2010). This document gives practical guidance on how to carry out an assessment to identify land for housing and assess the deliverability and developability of sites.

Supplementary Planning Documents: cover a wide range of issues on which the planning authority wishes to provide policy guidance to supplement the policies and proposals in development plan documents. They are not subject to independent examination.

Sustainability Appraisal: Sustainable development is central to the reformed planning system. Sustainability Appraisal is used to promote sustainable development through the integration of social, environmental and economic considerations. The European 'Strategic Environmental Assessment Directive' (2001/42/EC) requires a formal 'environmental assessment' of certain plans and programmes, including those in the field of planning and land use. This process feeds into and informs the content of the Local Development Framework.

Sustainable communities: places where people want to live and work, now and in the future. They meet the needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Sustainable development: is a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for future generations. Sustainable development has become the core principle underpinning the planning process.

Sustainable urban design: Good design ensures economically viable places and spaces that are resource efficient, adaptable, durable, inclusive and fit for purpose. Quality improvements in the built environment create the right conditions to attract businesses, jobs and investment, and provide well-designed sustainable environments for local people.

Targets: a desired goal which identifies the scale of change resulting from policy actions over a specific time period; for example, the number of new homes to be built by a set date.

Windfalls: proposals for housing development that has not been planned for, for example allocated in a Development Plan Document or identified in evidence documents, such as the Strategic Housing Land Availability Assessment.

Appendix Two – Technical Housing Standards



Department for
Communities and
Local Government

Technical housing standards – nationally
described space standard

March 2015
Department for Communities and Local Government



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Technical housing standards – nationally described space standard

Introduction

1. This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
2. The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.

Using the space standard

3. The standard Gross Internal Areas set out in Table 1 are organised by storey height to take account of the extra circulation space needed for stairs to upper floors, and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses).
4. Individual dwelling types are expressed with reference to the number of bedrooms (denoted as 'b') and the number of bedspaces (or people) that can be accommodated within these bedrooms (denoted as 'p'). A three bedroom (3b) home with one double bedroom (providing two bed spaces) and two single bedrooms (each providing one bed space) is therefore described as 3b4p.
5. This allows for different combinations of single and double/twin bedrooms to be reflected in the minimum Gross Internal Area. The breakdown of the minimum Gross Internal Area therefore allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy.
6. Relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard.
7. Minimum floor areas and room widths for bedrooms and minimum floor areas for storage are also an integral part of the space standard. They cannot be used in isolation from other parts of the design standard or removed from it.

8. The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls¹ that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m²).
9. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Technical requirements

10. The standard requires that:
 - a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
 - b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
 - c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide
 - d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m²
 - e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
 - f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)
 - g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
 - h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m² in a double bedroom and 0.36m² in a single bedroom counts towards the built-in storage requirement
 - i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

¹ The internal face of a perimeter wall is the finished surface of the wall. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

*** Notes (added 19 May 2016):**

1. Built-in storage areas are included within the overall GIAs and include an allowance of 0.5m² for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.

2. GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.

3. Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

4. Furnished layouts are not required to demonstrate compliance.

Appendix Three – Schedule of Locally Listed Buildings

Oadby

1. 1, 3, 5 and 7 Bankart Avenue.
2. 2 Bankart Avenue.
3. 4 Bankart Avenue.
4. 6, 8, 10, 12, 14, 16, 22, 24, 36 and 38 Bankart Avenue.
5. 9, 11, 25 (Markeaton) and 27 (Hillbrow) Bankart Avenue.
6. 13 and 15 Bankart Avenue.
7. 17 and 19 Bankart Avenue.
8. 18 and 20 Bankart Avenue.
9. 21 and 23 Bankart Avenue.
10. 26 and 28 Bankart Avenue.
11. 29 Bankart Avenue.
12. 30 and 32 Bankart Avenue.
13. 31 and 33 Bankart Avenue.
14. 34 Bankart Avenue.
15. 35 and 37 Bankart Avenue.
16. 40 Bankart Avenue.
17. 42 Bankart Avenue.
18. Brocks Hill House, Briar Walk.
19. 6 The Broadway (west side).
20. 73 The Broadway.
21. The Elms, Brockshill Drive.
22. Chapel House, 25 Chapel Street.
23. Hilltop Farmhouse, NO. 23 Church Street.
24. Sheldon House, 25 Church Street.
25. 2 – 34 Church Street.
26. 18 The Fairway.
27. 32 The Fairway (south side).

28. 34 The Fairway (south side).
29. 43 and 45 The Fairway (north side).
30. The Pantiles (vinehouse and garden), Gartree Road.
31. 3 Glebe Road (west side).
32. 11 Glebe Road (west side).
33. The Oadby Owl, Public House, 7 Glen Road.
34. Launde House, Harborough Road.
35. 18-26, Harborough Road.
36. 12 Knighton Grange Road.
37. 13 Knighton Grange Road.
38. 14 Knighton Grange Road.
39. 15 Knighton Grange Road.
40. 16 Knighton Grange Road.
41. 17 Knighton Grange Road.
42. 18 Knighton Grange Road.
43. 19 Knighton Grange Road.
44. 20 Knighton Grange Road.
45. 21 Knighton Grange Road.
46. 23 Knighton Grange Road.
47. 24 Knighton Grange Road.
48. 25 Knighton Grange Road.
49. 26 Knighton Grange Road.
50. 27 Knighton Grange Road.
51. 28 Knighton Grange Road.
52. 29 Knighton Grange Road.
53. 30 Knighton Grange Road.
54. 32 Knighton Grange Road.
55. 33 Knighton Grange Road.
56. 34 Knighton Grange Road.

57. 37 Knighton Grange Road.
58. 38 Knighton Grange Road.
59. Beaumont Leys 39 Knighton Grange Road.
60. 40 Knighton Grange Road.
61. 1 Knighton Rise.
62. 2 Knighton Rise.
63. 3 Knighton Rise.
64. Frankline House, 4 Knighton Rise.
65. 5 Knighton Rise.
66. 7 Knighton Rise.
67. The Gables, 8 Knighton Rise.
68. 9 Knighton Rise.
69. 10 Knighton Rise.
70. 11 Knighton Rise.
71. Meadowhurst, 12 Knighton Rise.
72. Elmcroft, 13 Knighton Rise.
73. 14 Knighton Rise.
74. St Helier, 15, Knighton Rise.
75. 16 Knighton Rise.
76. 18 Knighton Rise.
77. 19 Knighton Rise.
78. 20 Knighton Rise.
79. 21, Knighton Rise.
80. 22 Knighton Rise.
81. 23, Knighton Rise.
82. 25 Knighton Rise.
83. 27 Knighton Rise.
84. 30 Knighton Rise.
85. Leicester Racecourse, Stands and Stabling, Leicester Road.

86. Oadby Baptist Church, Leicester Road.
87. Brooks House, 81 Leicester Road.
88. 1– 5 Oadby Court, Leicester Road.
89. Memorial, North Side of Ellis Park, Leicester Road.
90. 1-3 London Road.
91. 17-19 London Road.
92. The Black Dog Public House, 23 London Road.
93. 24-34 London Road.
94. Gateway, London Road.
95. 38 London Road.
96. 65A London Road.
97. 66 London Road.
98. 68-80 London Road.
99. The Fox Public House, London Road.
100. Gable House, Manor Road.
101. The Coppice, Manor Road.
102. Spinneys House, 5 Manor Road.
103. Howard House, Manor Road.
104. Shirley House and Lodge, 8 Manor Road, (south side).
105. Clivedon, 10 Manor Road.
106. Ashcroft, Manor Road.
107. Aigburth, 21 Manor Road.
108. Villers House/Stamford Hall Court, Manor Road.
109. Treroose, 23 Manor Road.
110. Wighton House, 25 Manor Road.
111. The Beeches, 29 Manor Road.
112. Fields House, 40 Manor Road.
113. Brendon, 42 Manor Road.
114. Stoughton Leys, 44 Manor Road.

115. 49 Manor Road.
116. 51 Manor Road.
117. Melbury House, 55 Manor Road.
118. 66 Manor Road.
119. 67 Manor Road.
120. 69 Manor Road.
121. 70 Manor Road.
122. 73 Manor Road.
123. 77 Manor Road.
124. 1 Meadowcourt Road.
125. Southcroft, 2 Meadowcourt Road.
126. 2B Meadowcourt Road.
127. 3 and Swallowcroft, 5 Meadowcourt Road.
128. 4 Meadowcourt Road.
129. 6 Meadowcourt Road.
130. 7 Meadowcourt Road.
131. 8 Meadowcourt Road.
132. 9 Meadowcourt Road.
133. 10 Meadowcourt Road.
134. Portland Cottage, 11 Meadowcourt Road.
135. 12 Meadowcourt Road.
136. 13 and 15 Meadowcourt Road.
137. Woodgarth, 14 Meadowcourt Road.
138. 16 Meadowcourt Road.
139. 17 Meadowcourt Road.
140. 18 Meadowcourt Road.
141. 19 Meadowcourt Road.
142. 20 Meadowcourt Road.
143. 21 Meadowcourt Road.

144. 22 Meadowcourt Road.
145. 23 and 25 Meadowcourt Road.
146. 24 Meadowcourt Road.
147. 26 Meadowcourt Road.
148. 27 and 29 Meadowcourt Road.
149. 28 Meadowcourt Road.
150. 30 Meadowcourt Road.
151. 31 and 33 Meadowcourt Road.
152. 36 Meadowcourt Road.
153. 12-16 'The Old Manor Inn', The Parade.
154. 91 The Parade.
155. 22 Powys Avenue.
156. 1-31 Sandhurst Street (odd numbers)
157. Redroofs, Southmeads Road.
158. Elmsthorpe, 26 Southmeads Road.
159. Barrington, Southmeads Road.
160. Powerscourt, Southmeads Road.
161. Whitewings, Southmeads Road.
162. North Memorial Homes, Stoughton Road.
163. Framework Knitters Cottages, Stoughton Road.
164. Digby Hall, Stoughton Drive South (east side.)
165. Stamford House, Stoughton Drive South (east side).
166. Southmeades, Stoughton Drive South (west side).
167. Highgrove, Stoughton Drive South (east side).
168. 17 Stoughton Drive South.
169. 19 Stoughton Drive South.
170. 23 Stoughton Drive South.
171. Ashfield, 29 Stoughton Drive South (west side).
172. Greenleys, 30 Stoughton Drive South (west side).

173. Kent House, Stoughton Drive South.
174. Gate House, Stoughton Drive South.
175. Rosenfels, Stoughton Drive South.
176. Ash Lodge, Stoughton Drive South.
177. Inglewood, Stoughton Drive South.
178. St Peters Church Hall, Wigston Road.
179. The Royal British Legion, Wigston Road.
180. The Hermitage, Wigston Road.

Wigston

1. 52 and 54 Aylestone Lane.
2. 246 Aylestone Lane.
3. Former Electric Station and Wall, 49 Bell Street.
4. 20 and 22 Bullhead Street.
5. The Limes, 80 Bullhead Street.
6. 106 – 110 Bullhead Street (evens only).
7. Horse and Trumpet, Bullhead Street.
8. Kings Centre, 56 Bullhead Street.
9. Spoutewell Cottage, Bullhead Street.
10. St Wolstans House and Barn, Bullhead Street.
11. 2 – 14 Bushloe End (evens only).
12. Apple House, 18 Bushloe End.
13. Coach House, 48 Bushloe End.
14. Kingswood Lodge, 50 Bushloe End.
15. All Saints Church Rooms, Bushloe End.
16. All Saints Vicarage, Bushloe End.
17. Elms House, British Legion, Bushloe End.
18. Co-op Garages, 1 Central Avenue.
19. Ivy Cottage, Cooks Lane.

20. Methodist Church and School Rooms, Cross Street.
21. Former Methodist church and School Rooms, Frederick Street.
22. The Bungalow, Gas Lane.
23. Weavers Cottage, 26 Gladstone Street.
24. Tyndale, 19 Granville Road.
25. Ivy Cottage, 20 Granville Road.
26. 29 and 31 Granville Road.
27. 36 Granville Road.
28. The Poplars, 37 Granville Road.
29. Pear Tree Lodge, Granville Road.
30. 56 Granville Road.
31. 57 Granville Road.
32. 58 Granville Road.
33. 71 Granville Road.
34. 73 Granville Road.
35. 75 Granville Road.
36. Holly Villa, 76 Granville Road.
37. 79 Granville Road.
38. Claremont, 80 Granville Road.
39. 81 Granville Road.
40. 82 Granville Road.
41. 83 and 85 Granville Road.
42. 2 and 4 Leicester Road.
43. 158 and 160 Leicester Road.
44. 162 Leicester Road.
45. 164 – 170 Leicester Road.
46. 289 and 291 Leicester Road.
47. Salisbury House, 304 Leicester Road.
48. 306 and 308 Leicester Road.

49. The Bell Inn, Leicester Road.
50. Star and Garter Inn, Leicester Road.
51. The Royal Oak Inn, Leicester Road.
52. 22 and 22A Long Street.
53. Devil House, 41 Long Street.
54. 43 and 45 Long Street.
55. 61 and 65 Long Street.
56. Conservative Club, Long Street.
57. Co-op Hall and Snooker Hall, Long Street.
58. Former Working Mens Club, Long Street.
59. Hubert Hall Shop, Long Street.
60. Records Office of Leicestershire, Leicester and Rutland, Long Street.
61. The Manse, Long Street.
62. The Pavilion, Peace Memorial Park, Long Street.
63. Cedar Court Care Home, Long Street.
64. 1A Moat Street.
65. 5 and 7 Moat Street.
66. Creasy's Cottage, 11 Moat Street.
67. Cromwell Cottage, 32 Moat Street.
68. 64, 64A and 64B Moat Street.
69. Peacock Row, 106 – 134 Moat Street (evens only).
70. Store to the rear of 116 Moat Street.
71. Album View, 144 Moat Street.
72. The Old Crown Inn, Moat Street.
73. Europa Sports Factory, Newton Lane.
74. Belvoir Sportswear Factory, Paddock Street.
75. 6 Spa Lane.
76. 6A Spa Lane.
77. Kimberley Cottage, 19 Spa Lane.

78. 20 Spa Lane (house and privy).
79. Guthspa Works and Spa Mews, Spa Lane.
80. 2, 4, 6 Spring Lane.
81. Midland Cottages, 1 – 20 Station Road.
82. Abingdon House, Station Road.
83. 1852 Brewery Company, Station Road.
84. 7 Welford Road.
85. The Chapel, Wigston Cemetery, Welford Road.
86. The Mortuary, Wigston Cemetery, Welford Road.

Kilby Bridge

1. Berry House, Welford Road.
2. Navigation Inn, Welford Road.
3. The White House, Welford Road.
4. Weighbridge House, Welford Road.
5. Wharf and Associated Buildings, Welford Road.

South Wigston

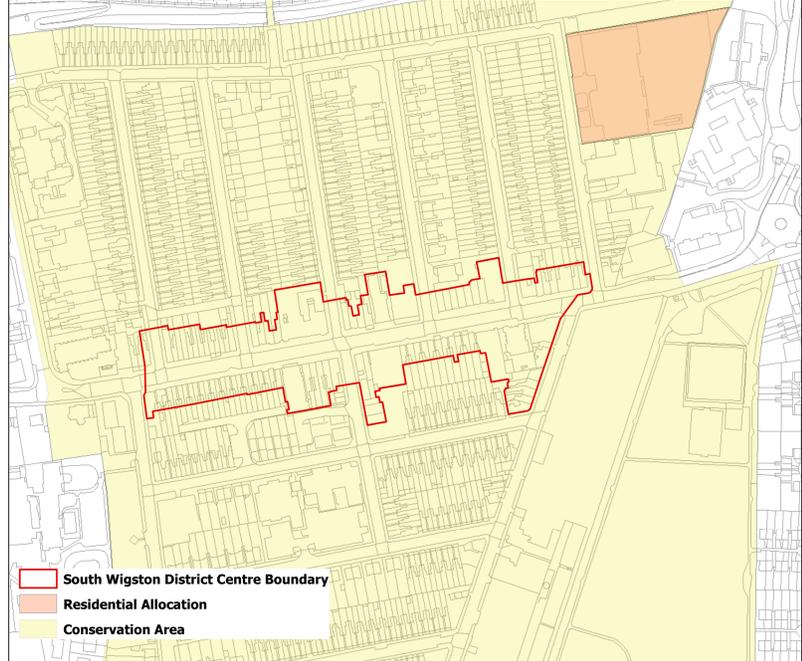
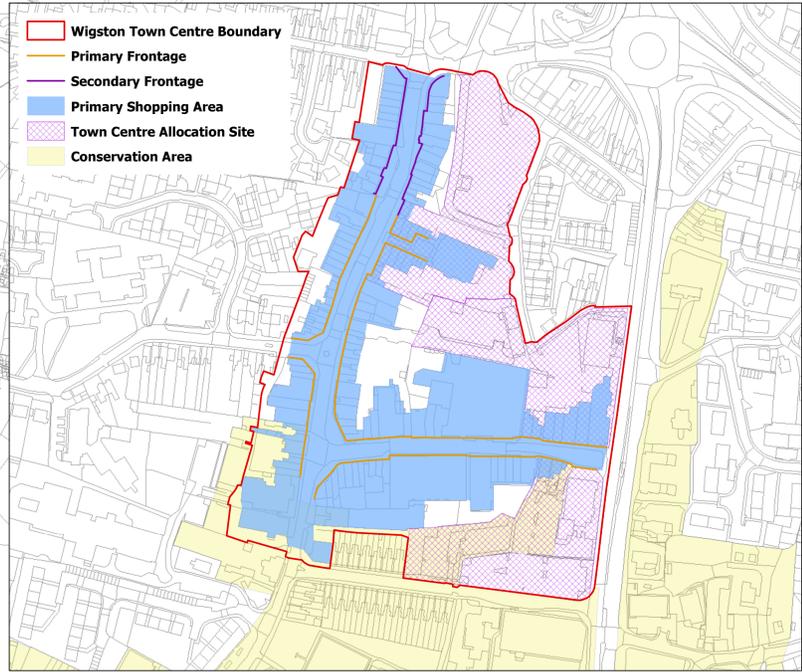
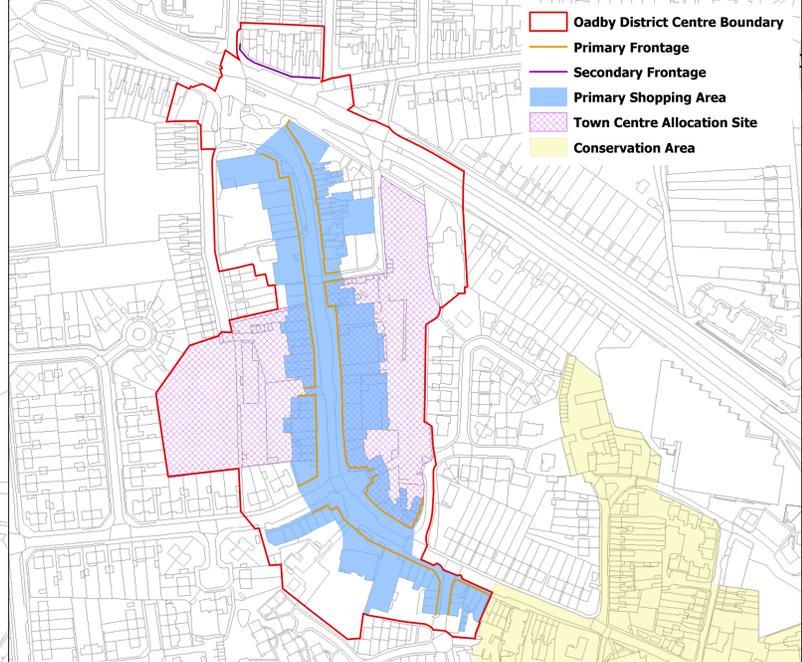
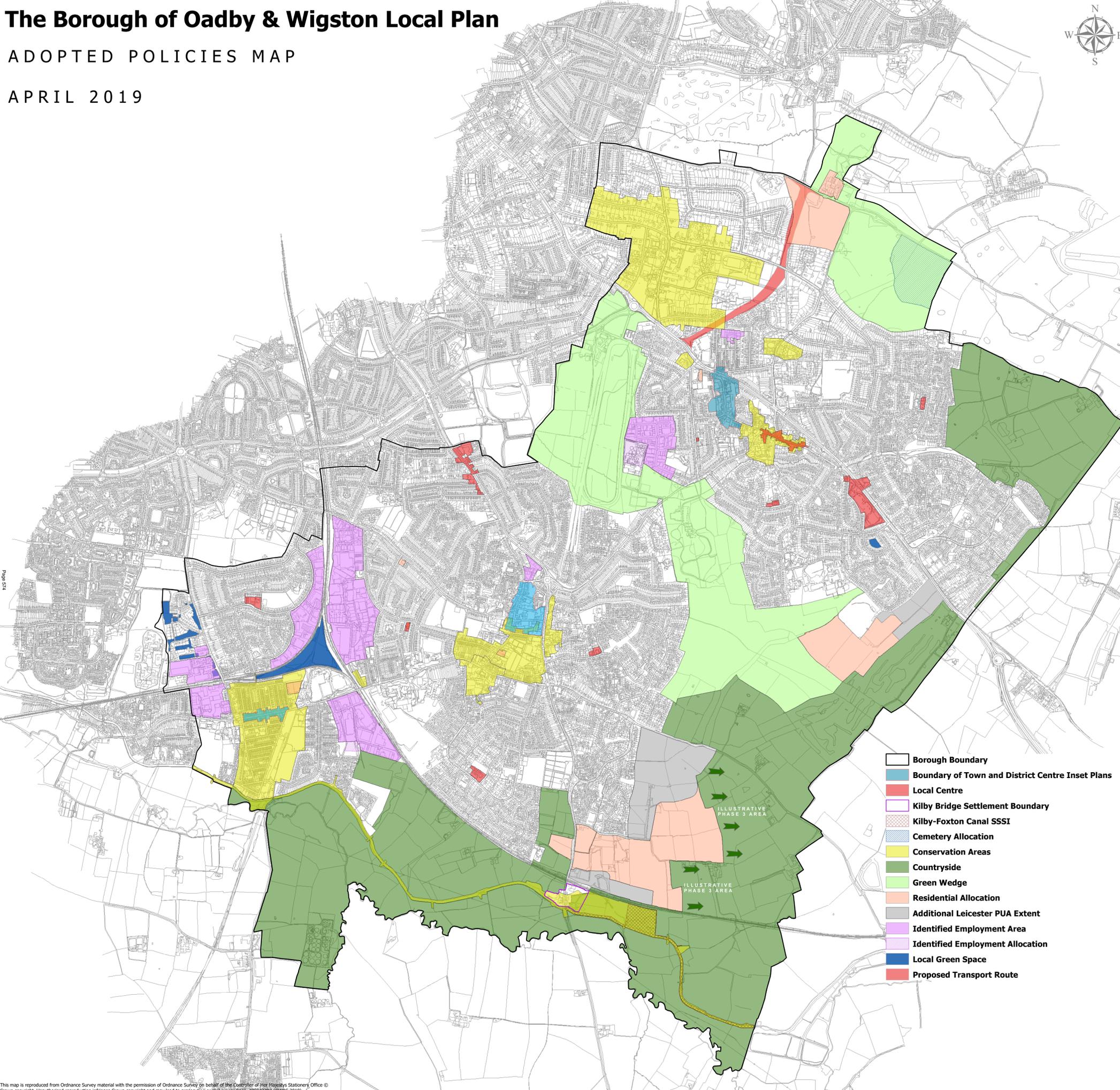
1. The Bassett Centre, Bassett Street.
2. 50 – 64 Blaby Road (between Glengate and Station Street).
3. 65 – 67 Blaby Road.
4. 69 – 99 Blaby Road.
5. 115 – 117 Blaby Road.
6. Congregational Church, Blaby Road.
7. Former Ritz Cinema, Blaby Road.
8. Methodist Church, Blaby Road.
9. St Thomas' Church Rooms, Blaby Road.
10. The Marquis of Queensbury, Blaby Road.
11. 41 – 43 Canal Street.

12. De Vas Routeledge Works, Canal Street.
13. Grand Hotel, Canal Street.
14. Stamford Shoe Works, Canal Street.
15. Crow Mill, Countesthorpe Road.
16. 2 Orange Street.
17. North Lodge, Saffron Road.
18. The Cottage, Saffron Road.
19. WH Bates Hosiery Factory, Station Street.
20. Former Quarter Masters Quarters, Tigers Road.
21. Former Regimental Hospital, Tigers Road.
22. Tavra Training Hall, Tigers Road.

The Borough of Oadby & Wigston Local Plan

ADOPTED POLICIES MAP

APRIL 2019



- Borough Boundary
- Boundary of Town and District Centre Inset Plans
- Local Centre
- Kilby Bridge Settlement Boundary
- Kilby-Foxton Canal SSSI
- Cemetery Allocation
- Conservation Areas
- Countryside
- Green Wedge
- Residential Allocation
- Additional Leicester PUA Extent
- Identified Employment Area
- Identified Employment Allocation
- Local Green Space
- Proposed Transport Route

ILLUSTRATIVE PHASE 3 AREA
 ILLUSTRATIVE PHASE 3 AREA



Oadby & Wigston
BOROUGH COUNCIL

EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function:	<input checked="" type="checkbox"/>	This is new
	<input checked="" type="checkbox"/>	This is a change to an existing policy
	<input type="checkbox"/>	This is an existing policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for review

Date of screening	22 / 03 / 2019
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1. Briefly describe its aims & objectives

The Council's new Local Plan is the key strategic planning policy document for all future growth and development within the Borough area up to the year 2031.

Upon adoption of the new Local Plan all planning decisions for development would need to be in conformity with the planning policies set out in the Plan.

In addition, upon adoption, the Local Plan will supersede the Council's Core Strategy Development Plan Document and the Town Centres Area Action Plan Development Plan Document, as well as the Saved Local Plan.

2. Are there external considerations?

National Planning Policy Framework (NPPF);
National Planning Practice Guidance;
Localism Act 2011;
Town and Country Planning (Local Planning) (England) Regulations.

3. Who are the stakeholders and what are their interests?

- Oadby and Wigston Borough Council as the local planning authority;
- Private landowners and developers who may wish to promote the development of their site; and,
- The public who are interested in the future plans for improving the Borough and new development taking place over the Plan period.

4. What outcomes do we want to achieve and for whom?

A vibrant Borough with a strong and diverse economy that brings opportunities for all and provides an environment where people want to live, work and play. The development of new market and affordable housing on a number of sites in varying locations will provide housing choices suitable for all within the Borough. Through new development, provision of new key services and amenities will be provided in the Borough. Important areas of green space and heritage will also be protected.

5. Has any consultation/research been carried out?

The public, key stakeholders and businesses have been consulted as part of the Local Plan process at the;

- Key Issues and Options stage from 12th October 2015 to 23rd November 2015;
- Preferred Options from 4th November 2016 to 16th December 2016;
- Pre-Submission from 6th November 2017 to 18th December 2017; and,
- Throughout the Examination in Public held throughout 2018.

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

No.

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Race (including Gypsy & Traveller)	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Age	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Gender Reassignment	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Sex	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Sexual Orientation	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Religion/Belief	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Marriage and Civil Partnership	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.
Pregnancy and Maternity	Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

Positive – The Local Plan does not favour one particular group. It seeks that all development is accessible equally by everyone within the community.

9. Are there any human rights implications?

No.

Agenda Item 14



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Adoption of Supplementary Planning Document (SPD) and Statement of Community Involvement (SCI) (April 2019)**

Report Author(s): **Jamie Carr (Planning Policy Team Leader)**

Purpose of Report:	The purpose of this report is to highlight to Members the comments that were received during the Supplementary Planning Document (SPD) public consultations and the Statement of Community Involvement (SCI) public consultation that took place between 8 October 2018 and 19 November 2018. The report highlights how the comments have been taken into account in the production of the final SPD's and SCI which are now recommended for Adoption.
Report Summary:	<p>The consultation comprised of four documents; the revised SCI; the Developer Contributions SPD; the Conservation Areas SPD; and the Residential Development SPD. The SPD's and the SCI are updates and revisions of existing adopted documents. The revisions take account of current national planning policy, legislation and regulations.</p> <p>In general the comments received for all of the documents during the consultation periods were positive, however some respondents did suggest some more significant changes to the Developer Contributions SPD and the Conservation Areas SPD which are explained in this report. All documents have been amended accordingly and are being submitted to Full Council with the recommendation for adoption.</p>
Recommendation(s):	<p>A. That the changes made to the three Supplementary Planning Documents as a result of the public consultation (as set out at Appendices 5 – 8) are approved and adopted;</p> <p>B. That the Statement of Community Involvement (as set out at Appendix 1) is approved and adopted;</p> <p>C. That the Developer Contributions Supplementary Planning Document (as set out at Appendix 2) is approved and adopted;</p> <p>D. That the Conservation Areas Supplementary Planning Document (as set out at Appendix 3) is approved and adopted; and</p> <p>E. That the Residential Development Supplementary Planning Document (as set out at Appendix 4) is approved and adopted;</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Jamie Carr (Planning Policy Team Leader)</p>

	(0116) 257 2652 jamie.carr@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2)
Vision and Values:	"A Strong Borough Together" (Vision) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	The consultation process followed for each of the documents conformed to statutory legislation and requirements, as well as local requirements as set out within the Council's SCI.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	The full Consultation Statements in relation to each of the SPD's and the SCI is set out at paragraph 2.2 and in appendices 5 to 8.
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Revised Statement of Community Involvement (April 2019) 2. Revised Developer Contributions SPD (April 2019) 3. Revised Conservation Areas SPD (April 2019) 4. Revised Residential Development SPD (April 2019) 5. Statement of Community Involvement Consultation Statement (2018) 6. Developer Contributions SPD Public Consultation Statement (2018) 7. Conservation Areas SPD Public Consultation Statement (2018) 8. Residential Development SPD Public Consultation Statement (2018) <p>As appendices 1 to 8 are substantially large documents to reproduce, they have <u>not</u> been physically annexed as a hard-copy to this report. Alternatively, a copy of all appendices will be (have been) made available by Planning Policy for inspection:</p> <ul style="list-style-type: none"> • at the Council Offices during ordinary business hours (9:00 am - 5:00 pm) 5-clear working days before the Full Council

	<p>meeting on 16 April 2019 (by 8 April 2019);</p> <ul style="list-style-type: none"> • on the Council's website and via the modern.gov app (as part of the electronic agenda reports pack) 5-clear working days before the Full Council meeting on 16 April 2019; • at the Full Council meeting itself on 16 April 2019; and • by reference to the copies deposited in the Members' Room (Room 104) at the Council Offices (Members only).
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1. Background

- 1.1 Between 8 October 2018 and 19 November 2018 the Council undertook a 6 week public consultation on three revised Supplementary Planning Document's (SPD) and the revised Statement of Community Involvement (SCI). Each of the documents consulted upon were updates to previously adopted documents.
- 1.2 The SCI document sets out the Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications. The SCI allows all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.
- 1.3 SPD's are documents which add further detail to the policies set out within the Council's new Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPD's do not form part of the Council's development plan, however they are a material consideration in the planning decision making process.
- 1.4 The three SPD's consulted on were; the Developer Contributions SPD; the Conservation Areas SPD; and, the Residential Development SPD. These SPD's are the first 'tranche' of revision documents. Upon adoption, work on the next set of SPD revision documents will begin.

2. Consultation Responses

- 2.1 To ensure that there was an opportunity for the whole community to get involved in commenting on the documents, the consultation was advertised widely.
- 2.2 In addition to a notification letter being sent out to every contact on the Local Plan Database, the Council made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on it's website; made available for inspection hard copies of all relevant information and documentation at it's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on its website.
- 2.3 During the consultation for the revised SCI comments were received from three statutory consultees; Natural England, the Environment Agency and Severn Trent Water.
- 2.4 There were no issues raised and/or any suggested amendments to the document. The principle of early and meaningful engagement was supported. Further information relating to the consultation process and the comments received for these documents is contained within the Council's 'Statement of Community Involvement Public Consultation Statement 2018' document appended to this report.
- 2.5 During the consultation for the revised SPD's, representations were received from Natural

England, the Environment Agency, Severn Trent Water, Sport England, East Leicestershire and Rutland Clinical Commissioning Group, Leicestershire County Council Conservation Department, Wigston Civic Society, Montagu Evans on behalf of the University of Leicester and Barton Wilmore on behalf of the Co-op.

- 2.6 The majority of the comments received were positive, however there were some comments that proposed amendments to the wording of the SPD documents. The main comments raised are listed below.

Developer Contributions SPD

- The absence of a specific Viability Assessment underpinning the figures contained within the SPD.
- The justification for the Council seeking a Monitoring Fee to cover the administrative costs to monitor the collection and expenditure of planning obligations from qualifying new developments.
- The justification for the Council in seeking a contribution towards the capital cost of providing 'household' and 'recycling bins' for every new additional home in the Borough.
- The strengthening of the references to Sport England's 'Active Design' principles throughout the document.

Conservation Areas SPD

- Consistency in references to Locally Listed Buildings and Significant Local Buildings...the latter being out of date.
- Amend the wording relating to demolition of buildings within a Conservation Area. The previous assessment criteria relating to demolition was suggested to be overly prescriptive and not in line with current national policy and guidance.
- Whether a general presumption against the change of use and/or the demolition of buildings within a Conservation Area is justified

Residential Development SPD

- Sport England sought the reference of their 'Active Design' Guide within the SPD to ensure that the 10 key principles are taken into account during masterplanning and planning decision making processes.
- The provision of further guidance relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant.

- 2.7 Further information relating to the consultation process and the comments received for all of the SPD's is contained within the 'Developer Contributions SPD Public Consultation Statement 2018'; 'Conservation Areas SPD Public Consultation Statement 2018'; and, 'Residential Development SPD Public Consultation Statement 2018', all of which are appended to this report.

3. Post Consultation

- 3.1 Taking account of the comments received during the public consultation, some

amendments have been made to each of the revised SPD documents, however no changes were made to the revised SCI.

Developer Contributions SPD

- The Monitoring and Enforcement section of the SPD has been amended to implement fixed Monitoring Fees. The fees fairly reflect the scale and kind of development, as well as the anticipated cost to the Council to monitor the obligations over the lifetime of the development.
- Paragraph 4.50 within the Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) section has been amended to make reference to Sport England's 'Active Design' initiative, which seeks to encourage more active lifestyles through good design of new developments.
- The 'Waste: Household and Recycling Receptacles' section, together with 'Appendix 2: Household Waste and Recycling Receptacles Unilateral Undertaking' has been deleted. This decision reflects representations submitted by Barton Wilmore, together with a review of legislation contained within the Environmental Protection Act (1990) which indicates that this is not an appropriate use of S106 contributions.
- To provide applicants / developers with greater levels of clarity about the levels of off-site financial contributions expected of them from new developments, an additional Appendix has been created to illustrate the likely level of contribution per dwelling size, in each ward within the Borough. Reference to this additional Appendix has been added to paragraph 4.72 within the SPD.

Conservation Areas SPD

- All references to Conservation Area Consent have been removed from the document because demolition of any building now requires planning permission.
- The criteria relating to demolition, set out within Chapter 3 of the SPD has been removed. Having considered the comments received it was considered that the criteria was not in line with policy set out within the Council's Local Plan. Reference is now made within the SPD to the relevant Local Plan policy.
- Reference has been made within the SPD to the Technical Housing Standards that are set out within the Council's Local Plan in relation to conversion, sub-divisions and/or changes of use from a building other than residential, to residential.
- Paragraph 3.1 of the SPD has been amended to be more consistent with national policy and guidance, as well as local policy and guidance. Rather than having a 'general presumption against demolition', the wording states that there will be a 'general presumption in favour of retention and preservation'.
- Paragraph 13.12 has been amended to suggest that new buildings will not be permitted in close proximity to important trees unless it can be robustly demonstrated that the new building will not have a detrimental impact on the important tree in question.

Residential Development SPD

- In response to the comments received by Sport England, further text has been added to the SPD document (paragraph 3.2) to reference the Sport England Active guidance, specifically its ten key principles.

- Further text has been added, relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant. The additional text comprises two new paragraphs, 3.108 and 3.109. It is considered that the additional text adds clarity for both the applicant and the decision maker.

Statement of Community Involvement

Adopted Document

2019



Contents

Chapter 1	Introduction	page 3
Chapter 2	The planning system and the legal requirements	page 4
Chapter 3	Who we consult	page 6
Chapter 4	How we consult – key stages of consultation	page 7
Chapter 5	How we consult – consultation methods	page 20
Appendix 1	Duty to Cooperate bodies	page 23
Appendix 2	Specific consultation bodies	page 24
Appendix 3	General consultation bodies	page 25
Appendix 4	Government consultation bodies	page 27
Appendix 5	Glossary of terms	page 28
Appendix 6	Contacts	page 29
Appendix 7	Further information	page 30

Our Vision for Community Involvement

'Oadby and Wigston Borough Council will ensure that everyone is able to shape the future of the Borough through active and meaningful engagement. We will help all sectors of the community to inspire plan making and gain ownership of planning decisions by providing a wide range of opportunities for timely and continuous involvement in the planning process.

Getting involved in planning in the Borough is very important for everyone. It means that everybody has an opportunity to influence the future of the Borough and have a say about what they like or don't like about the area and how they would like to see things change. This statement sets out ways of engaging the whole community so that this really is the case.

When preparing important planning documents, the Borough Council must set out how the community has been involved, what issues were raised and how those issues were dealt with. We cannot adopt any of our planning documents unless we do this, and besides, we believe it is vital to involve the residents and stakeholders of the Borough if our planning process is to work efficiently and effectively.

We will make use of tried and tested consultation techniques, including displays and roadshows, policy development workshops and where relevant, public events'.

Councillor John Boyce

Leader of the Borough Council

1. Introduction

- 1.1 Oadby and Wigston Borough Council is committed to building a strong, empowered and active community to achieve high quality planning and development.
- 1.2 It is intended that this Statement of Community Involvement (SCI) will allow all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.
- 1.3 The SCI will ensure that consultation and participation takes place in a timely manner and that a range of involvement techniques are in place to allow people to have a real influence over planning in the Borough.
- 1.4 This document sets out the Borough Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications.
- 1.5 The consultation practices contained in this SCI satisfy the statutory requirements set out in the relevant legislation, as set out later in this report.
- 1.6 However, the Borough Council intend to exceed these requirements, to ensure wide and inclusive consultations that reflect local circumstances, the character and composition of the local community, and, the resources available. This will extend to those groups who have traditionally found it difficult to engage in the planning process.

2 The planning system and the legal requirements

- 2.1 In accordance with the Planning and Compulsory Purchase Act 2004, the Borough Council has produced this Statement of Community Involvement (SCI). The SCI will set out how the Council will engage with the community, businesses and other organisations with an interest in the development of the Borough. Minimum requirements for consultation are set out in 'The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)' (The Regulations) in the case of Planning Policy Documents and 'The Town and Country Planning (Development Management Procedure) Order 2010' (DMPO) for planning applications.
- 2.2 The National Planning Policy Framework (NPPF) states: *“Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area...”*.
- 2.3 The Council first adopted an SCI in March 2006. There have been considerable changes since, including the replacement of 'Local Development Frameworks' with 'Local Plans' and changes to the planning Regulations that set the ways in which the Government expects plans to be produced. The Local Plan contains the planning policies and proposals that will shape the future of the Borough. These policies and proposals are used to allocate or safeguard land for or against development, as well as to help inform the determination of planning applications.
- 2.4 In addition, the Council now has the authority to adopt its own SCI.
- 2.5 When preparing planning policy documents and determining planning decisions the Council must also comply with the Equality Act 2010.
- 2.6 This updated SCI demonstrates how the Council complies with the minimum legal requirements and standards for consultations and in most cases, exceeds them. It has also enabled the Council to reflect and update its methods of consultation based upon the techniques that have worked best in the Borough since the last SCI's publication in 2014. Once adopted, the Council will follow the procedures for consultation and engagement as set out in this SCI.

Duty to Co-Operate

- 2.7 Current legislation and planning policy and guidance, places great weight on the Duty to Cooperate. The Duty sets out how local authorities should engage with partnering organisations during the Plan making process. To ensure that the Duty is met, the Council will engage with its partners such as neighbouring councils and government bodies throughout the formulation of its plans. Duty to Cooperate partners are listed in Appendix 1.

Local Development Scheme

- 2.8 On a regular basis, in line with legislation and guidance, the Council produce a Local Development Scheme (LDS). The LDS for the Borough area establishes the programme for the preparation of, and consultation on, all the components of the Council's Development Plan.

2.9 The LDS document is available to view on the planning pages of Oadby and Wigston Borough Council website.

3 Who we consult

- 3.1 Depending on the type of planning policy document or planning application being considered, there are a number of consultation bodies that the Council must notify and invite to make representations in order to comply with the Regulations set by Government.

Development Plan and Supplementary Planning Documents

- 3.2 The Regulations set out that Duty to Cooperate partners should be consulted during the production of a Development Plan. Duty to Cooperate partners are set out in Appendix 1.
- 3.3 The Regulations also set out specific consultation bodies that the Council must consult in the production of a Development Plan document and / or a Supplementary Planning Document. Specific consultation bodies are listed in Appendix 2. Chapter 4 also contains further information regarding who is consulted and at what stage of document production.
- 3.4 At the Council's discretion, it may also consult with a number of other bodies that it deems appropriate to engage with. These are referred to as general consultation bodies within the Regulations (refer to Appendix 3 for a full list).
- 3.5 These lists may change as a result of amendments to the Regulations and / or by the Council choosing to update or amend its list of general consultation bodies. The Council therefore reserves the right to amend the details held within the Appendices for either of these reasons.
- 3.6 The Council will maintain an address and personal contact information database of individuals, groups and other interested parties wishing to be informed when planning policy documents are published. The database will be kept up to date and amended as and when necessary. The information held on this database is done so in conformity with the Data Protections Act (2018) and the General Data Protection Regulation (GDPR) ((EU) 2016/679).

Planning Submissions

- 3.7 The Council is 'required' to consult various organisations and bodies and is 'advised' to consult others depending upon the type of application, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015). A complete list of these consultees can be accessed via the following link:

<http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

4. How we consult – key stages of consultation

- 4.1 There are a wide range of consultation methods open to the Council when producing planning policy documents and determining planning applications.
- 4.2 In the case of planning policy documents, there is a distinction between ‘formal stages’ of plan production (where the nature of consultation is governed by the Regulations) and ‘ongoing consultation’ with the community as part of the development and assessment of emerging options. The type of consultation method will vary depending upon the stage of production and this document makes the distinction between consultation that is ‘required’ by the Regulations and that which is ‘promoted’ by the Council through its SCI over and above the minimum requirements.
- 4.3 Oadby and Wigston Borough Council is the ‘Local Planning Authority’ (LPA) for the area, and as such, is responsible for the determination of most planning submissions (other than those for determination by Leicestershire County Council) and for producing up to date and robust planning policy documents, including the Local Plan. The minimum legal consultation requirements in relation to the production of planning policy documents at formal stages of consultation and in determining planning applications are set out below.

Local Plan

- 4.4 The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended) set out the stages of plan production where considerable, well documented, consultation is required. The Regulations sets out the definitive process, however a summary of these requirements is set out below. The summary tables set out who will be consulted at each stage, and how they will be consulted.

Table 1: Regulation 18 Consultation

Consultation Stage	Who will be notified? (for the purpose of this table known as ‘consultation bodies’)	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Regulation 18 (relevant to ‘Issues and Options’ and ‘Preferred Options’) Preparation of a Local Plan Includes SA / SEA consultation	Specific consultation bodies. General consultation bodies. Residents or businesses within the area where appropriate. Council Members. Duty to Co-operate partners.	Informal and on-going plan preparation and involvement will be possible up to its publication. There will be at least one ‘formal’ consultation period during the Local Plan preparation stage. The consultation period will last between 6 and 12 weeks, depending on circumstances.	Notify each consultation body specified of the subject of the Plan. Invite each consultation body specified to comment on the Plan and what it should contain. Consultation bodies will be sent a letter or email setting out: <ul style="list-style-type: none"> • the consultation period • the Plan stage • details of how the Plan can be 	Press release to local newspaper, radio and regional TV. Public events, forums and/or exhibitions. Stakeholder group meetings. Summary Leaflet prepared which may be circulated to households in the Borough. Council Newsletter article – Letterbox. Social Media

			<p>viewed (including an electronic copy or link where relevant).</p> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the Council's website at www.oadby-wigston.gov.uk</p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: planningpolicy@oadby-wigston.gov.uk</p>	<p>consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website www.oadby-wigston.gov.uk</p> <p>Advertisement of the consultation on the digital display screens.</p>
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4.5 In addition to the above, a Sustainability Appraisal (incorporating Strategic Environmental Assessment and Habitats Regulation Assessment) (SA) report will be prepared in conjunction with the Plan preparation in order to identify and report on any likely and / or significant effects of the Plan and mitigation measures to help reduce them. The Council will seek comments on this document in tandem with the consultation on the Plan.

4.6 It should be noted that the Council may consult on more than one occasion during this Regulation 18 consultation stage.

Table 2: Regulation 19 and 20 Consultation

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p>Regulation 19 and Regulation 20</p> <p>Publication of a Local Plan and representations relating to a Local Plan</p> <p>Includes SA / SEA consultation</p>	<p>Specific consultation bodies.</p> <p>General consultation bodies.</p> <p>Residents or businesses within the area where appropriate.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p>	<p>The consultation period will last between 6 and 12 weeks, depending on circumstances.</p>	<p>A statement of the representations procedure will be sent to specified consultation bodies, as appropriate.</p> <p>Consultation bodies will be sent a letter or email setting out:</p> <ul style="list-style-type: none"> the consultation period the Plan stage details of how 	<p>Press release to local newspaper, radio and regional TV.</p> <p>Public events, forums and/or exhibitions.</p> <p>Stakeholder group meetings.</p> <p>Summary Leaflet prepared which may be circulated to households in the Borough.</p>

	Those who responded to Plan preparation consultation.		<p>the Plan can be viewed (including an electronic copy or link where relevant).</p> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the Council's website at www.oadby-wigston.gov.uk</p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: planningpolicy@oadby-wigston.gov.uk</p>	<p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website www.oadby-wigston.gov.uk</p> <p>Advertisement of the consultation on the digital display screens.</p>
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4.7 Copies of the Proposed Plan and associated documents are made available for inspection for at least six weeks and all interested parties are encouraged to make representations, as this is effectively the final chance that formal stakeholder representations to the Council on the content of the Plan can be made.

Table 3: Regulation 22

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p>Regulation 22</p> <p>Submission of Local Plan and other related documents to the Secretary of State</p> <p>Includes SA / SEA</p>	<p>Specific consultation bodies.</p> <p>General consultation bodies.</p> <p>Residents or businesses within the area where appropriate.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p> <p>Those who responded to Plan preparation and / or publication consultation.</p>	<p>This is not a consultation stage.</p>	<p>Plan and accompanying documents to be sent (at least) in electronic form to the Secretary of State.</p> <p>Consultation bodies will be sent a letter or email notification.</p> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Advertisement of the consultation on the digital display screens.</p>

	Any person who specifically asked to be notified when the Plan was submitted.		<p>Council's website at www.oadby-wigston.gov.uk</p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out where the plan and accompanying documents are available and the times at which they can be inspected.</p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out; consultation bodies notified at each consultation stage; how they were notified; a summary of main issues raised during each consultation stage; and, how representations have been taken into account.</p>	
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4.8 Upon submission of the documents to the Secretary of State, an independent Inspector is appointed by the Secretary of State to examine the soundness of the Plan. The Council provides the independent Inspector with all formal representations and its responses to them from all of the previous stages of consultation. Once submitted, only the Inspector can assess (Regulation 23) any formal representations submitted. The Council does have the opportunity to submit additional statements to the Inspector, to elaborate on previously made representations.

Table 4: Independent Examination of the Local Plan

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Regulation 24 Independent examination of Local Plan document and all supporting	Any person who made a representation in accordance with Regulation 20.	Notification about the examination at least 6 weeks before the opening of the hearing.	Consultation documents will be made available at the Council's offices and / or any other appropriate locations.	Press release to local newspaper, radio and regional TV. Council Newsletter article – Letterbox.

documents including SA / SEA			<p>Consultation bodies will be sent a letter or email notification.</p> <p>Consultation documents will also be published on the Council's website at www.oadby-wigston.gov.uk</p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out the date, time and where the hearing will be held and the name of the Inspector appointed to carry out the examination.</p>	
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4.9 Following the submission of a Local Plan Document, the Independent Examination takes place. If the Plan is legally compliant, the Inspector will then consider whether the Plan is 'Sound'. The Plan will be considered as 'Sound' if it is positively prepared, justified, effective and consistent with national policy. The Inspector will publish their findings in an Inspector's Report with recommendations to either adopt the Plan; adopt with modifications; or, to not adopt the plan. The Inspector must be satisfied that the Council has met the procedural requirements of the Regulations, including whether it has been prepared in accordance with the SCI.

4.10 Should the Inspector require the Council to make main modifications to the Plan in order to make it 'Sound', it is likely that the Inspector will require the modifications to undergo further consultation (usually six weeks). Any representations submitted are then considered by the Inspector, rather than by the Council.

Table 5: Proposed Modifications Consultation

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Proposed modifications	Any person who made a representation in accordance with Regulation 19.	6 week consultation period if there are main modifications.	In the event of main modifications being proposed, consultation bodies will be sent a letter or email notification and a public notice will be published on the Council's website.	

Table 6: Regulation 25

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Regulation 25 Publication of the Inspector's Recommendations	All persons who requested to be notified will be given notice that the recommendations are available.	This is not a consultation period.	Inspectors recommendations will be made available at the Council offices and / or appropriate locations and published on the Council's website www.oadby-wigston.gov.uk Consultation bodies will be sent a letter or email notification.	

4.11 The Council will then consider the Inspector's Report and the recommendations within it. Should the Inspector recommend adopting the Plan, the Council will need to take it to an appropriate meeting, such as Full Council, where the Borough's Councillors can consider its content and approve a resolution to adopt.

4.12 As soon as reasonably practicable after the Council has adopted the Local Plan, in accordance with Regulations 26 and 35, it must make all documents in association with the Plan available at appropriate locations, for the regulated time frame in accordance with the Regulations, and specify when and where they are available to view to all interested stakeholders that have previously been consulted and made representations.

Table 7: Regulation 26

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Regulation 26 Adoption of a Local Plan Document Includes the SA / SEA	The Secretary of State. All persons who requested to be notified when the Plan is adopted. Council Members. Duty to Co-operate partners.	This is not a consultation period	As soon as is reasonably practicable after the Council adopts a plan, the document and its accompanying evidence will be made available electronically at the Council offices and / or appropriate locations and on the Council's website. A statement setting out where the plan and accompanying documents are	Press release to local newspaper, radio and regional TV. Council Newsletter article – Letterbox. Social Media consultation notifications, for example Twitter and Facebook. Advertisement of the consultation on the digital display screens.

			<p>available and the times at which they can be viewed will be made available electronically at the Council offices and / or appropriate locations and on the Council's website.</p> <p>A copy of the adoption statement will be sent via email or letter to the Secretary of State and any specified consultation bodies.</p>	
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Sustainability Appraisal / Strategic Environmental Assessment / Habitats Regulation Assessment

4.13 Usually, Development Plan Documents require a Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and Sustainability Appraisal (SA). These documents are produced in tandem with the production of the Development Plan Documents to assess their economic, environmental and social impact.

4.14 The tables set above indicate how SA / SEA / HRA can be aligned with plan production and at which stage of consultation an SA / SEA / HRA will be consulted on.

Supplementary Planning Document and / or Development Briefs

4.15 As part of the on-going production of planning documents, the Council will produce Supplementary Planning Documents (SPD) and Development Briefs (DB). These documents seek to add greater depth to a planning area or topic and support planning policies as well as the Council's objectives. Although SPDs do not have the same status as Development Plan Documents, they are important documents in decision making.

4.16 The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended) set out the requirements for the production of SPDs. The requirements involve formal stages of involvement. The Regulations sets out the definitive process, however a summary of these requirements is set out below. The summary tables set out who will be consulted at each stage, and how they will be consulted.

Table 8: Preparation of Supplementary Planning Documents

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
Preparation of SPD The Council will prepare the content of the SPD	Those who the Council engage with during the production process.	This is not a consultation period	Not applicable	Not applicable

4.17 This is not a formal stage of consultation as set out in the Regulations but will present an opportunity for the Council to engage with specific stakeholders to ascertain visions and objectives of the document.

Table 9: Regulation 12 Consultation

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p>Regulation 12</p> <p>Public participation stage</p>	<p>Those bodies or persons that the Council considers to have an interest in the document.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p>	<p>Minimum consultation period of 4 weeks.</p>	<p>Engage with / involve consultation bodies as appropriate.</p> <p>Notify each consultation body specified of the subject of the document.</p> <p>Invite each consultation body specified to comment on the document.</p> <p>Consultation bodies will be sent a letter or email setting out:</p> <ul style="list-style-type: none"> • the consultation period • details of how the Plan can be viewed (including an electronic copy or link where relevant). <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the Council's website at www.oadby-wigston.gov.uk</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Public events, forums and/or exhibitions.</p> <p>Stakeholder group meetings.</p> <p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website www.oadby-wigston.gov.uk</p> <p>Advertisement of the consultation on the digital display screens.</p>

4.18 The Council will consult on a draft SPD for a minimum period of four weeks. Any representations made at this stage will be considered by the Council and either incorporated into the final draft or a justified response as to why such is not incorporated will be provided as part of the Council's consultation responses. A statement setting out; who was consulted; the main issues raised during the consultation; and how the issues were addressed will also be published by the Council in line with the Regulations.

Table 10: Regulation 14 Consultation

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p>Regulation 14</p> <p>Adoption</p>	<p>Anyone who has specifically asked to be notified when the SPD is adopted.</p>	<p>This is not a consultation period.</p>	<p>An adoption statement, together with the adopted SPD, will be made available at the Council offices and / or any other appropriate location and published on the Council's website www.oadby-wigston.gov.uk</p> <p>Anyone who has asked to be notified will be sent an email or letter including a copy of the Adoption Statement.</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Council Newsletter article – Letterbox.</p>

4.19 The final version of the SPD will be presented to the Councillors at an appropriate committee to seek resolution to adopt. An adoption statement will then be published on the Council's website, as well as sent to all stakeholders that requested notifications as part of the SPD's development.

Neighbourhood Planning

4.20 Neighbourhood planning was introduced by the Localism Act 2011. There are two main mechanisms for neighbourhood planning – Neighbourhood Plans and Neighbourhood Development Orders.

4.21 A Neighbourhood Plan is a new way of helping local communities to influence the planning of the area they live and work in. If a plan is prepared and agreed by the community by referendum, it will become part of the Development Plan for the local authority area and be used in the determination of planning applications.

4.22 A Neighbourhood Development Order can grant planning permission for certain types of development without the need to submit a planning application to the Council. The Regulations for Neighbourhood Planning came into force on 6th April 2012. The Localism Act 2011, together with other relevant regulations, places various duties and responsibilities upon the Council.

4.23 It is the full responsibility of the community forums or local groups in the Borough to prepare the Plan and to undertake an inclusive consultation, although the Council has a duty to assist. Conducting a wide-reaching consultation procedure is in a community group's interest as the Plan or Order can only be adopted after a referendum in which over 50% of voters support the Plan or Order. Neighbourhood Plans must also conform to the Council's adopted Local Plan.

4.24 Where the Council has a duty to publicise a Plan or referendum (including the original application to designate a Neighbourhood Area), the Council will do so in line with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and the principles set out in this SCI.

Table 11: Neighbourhood Planning Consultations

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p>Regulation 6 and 7</p> <p>Neighbourhood Area Designation consultation</p> <p>Regulation 9 and 10</p> <p>Neighbourhood Forum Designation Consultation</p> <p>Regulation 16 and 17</p> <p>Publicising the plan and submission of the plan</p> <p>Regulation 18, 19 and 20</p> <p>Publication of examiners report, decision of the plan and publication of plan decision</p>	<p>Those bodies or persons that the Council considers to live, work or carry on business in the area which the application relates.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p>	<p>Minimum of 6 weeks.</p>	<p>Engage and involve consultation bodies through a targeted letter or email setting out the requirements as per the Regulations.</p> <p>Publicise consultations and designations (as per the Regulations) on the Council's website at www.oadby-wigston.gov.uk.</p> <p>Also any consultation or designation documents will be made available at the Council offices and / or any other appropriate location.</p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: planningpolicy@oadby-wigston.gov.uk</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Public events, forums and/or exhibitions.</p> <p>Stakeholder group meetings.</p> <p>Summary Leaflet prepared which may be circulated to households in the Borough.</p> <p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website www.oadby-wigston.gov.uk</p> <p>Advertisement of the consultation on the digital display screens.</p>

Planning Applications

- 4.25 The Council is aware of the importance of consultation with the community when it comes to considering and deciding formal planning submissions.
- 4.26 As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Council is required to consult various organisations and bodies and is advised to consult others depending on the type of planning application being considered.
- 4.27 The Borough Council deals with many planning applications each year and the nature of the planning applications dealt with are wide ranging from householder and minor applications, to large scale mixed use proposals including residential,

leisure, and other forms of development. The nature, scale and type of planning application submitted will determine how the Council will engage with the Community.

- 4.28 Planning applications submitted to the Council are either determined at Development Control Committee by elected Council Members or they are delegated to Officers and are determined without the need to be reported at Planning Committee. When a planning application is to be considered at a Planning Committee, there may be the opportunity for interested parties to address the Committee at the meeting prior to any decision being taken. Further information on this can be viewed on the Council's website planning pages.
- 4.29 Chapter 5 explains in more detail how the Council will engage with the community when determining planning applications.
- 4.30 Some planning applications can require special (or additional consultation) procedures due to their particular characteristics, including but not limited to:
- applications which are a departure from the Local Plan
 - applications which are classed as Major Developments, as defined by the Town and Country Planning (Development Management Procedure Order) (England) (2015)
 - applications which are accompanied by an Environmental Statement
 - applications for Listed Buildings, Scheduled Monuments and certain works that materially affect the character of Conservation Areas or Listed Buildings
 - applications affecting public Rights of Way.
- 4.31 There are some applications where there is no statutory requirement to consult. These include Certificates of Lawful Development, internal alterations to a Grade II listed building, advertisements, non-material amendments and approval of details.

Pre-Application Discussions

- 4.32 The Council offers a pre-application advice service for all planning applications. Pre-application discussions identify issues and requirements at an early stage, and are beneficial for applicants to provide clarity as to the process and some degree of certainty where local planning policies and constraints are identified. Details of how to approach pre-application advice, including fees and application forms, can be found on the Council's website.
- 4.33 At the pre-application stage, developers are advised of local residents and amenity groups where known and suggestions are made to engage with them prior to submitting applications. The Council cannot require a developer or householder to undertake pre-application discussions, or to engage with local residents and amenity groups, however it is advised as a 'good practice' approach. Pre-application discussions with the Council are encouraged for all development proposals.

Community Involvement

- 4.34 Community involvement on planning applications does not just involve the public. The Council must also consult the appropriate statutory bodies. Statutory bodies are those bodies which have particular powers in the policy making process. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. There are also a significant number of non-statutory bodies including local interest groups which the Council will consult in appropriate circumstances. The public, statutory consultees and non-statutory consultees have 21 days to make any comments they may have on a submission from the initial notification of an application. The results of any such consultation will be taken into consideration in the determination of any planning application.
- 4.35 In publicising planning applications, it is necessary for the Council to strike a balance between the consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.
- 4.36 In the event that an application is significantly amended during its consideration, the Council will send a further round of consultation letters to nearby residents, to those who have already written in with comments and consultees. Further comments can then be submitted regarding the amendments.

Permitted Development

- 4.37 It is important to note that certain proposals do not need permission of the Council because these developments fall under 'Permitted Development' and are given permission by Central Government legislation. What constitutes permitted development is detailed in the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended). For any further information on what requires planning permission and what constitutes 'permitted development', it is advisable to speak to the Council's Planning Control section before you undertake any work.

Appeals

- 4.38 Anyone who has submitted a planning application has a right of appeal to the Secretary of State if an application is refused, not determined, or if the permission contains conditions that are considered to be unacceptable to the applicant. Details on how applicants can appeal against a decision are contained within all decision notices issued by the Council. Third parties do not have the right to appeal.
- 4.39 Upon receipt of an appeal and start date from the Planning Inspectorate, the Council informs all neighbours and all those who have made representations on the application that an appeal has been lodged. Appeals are examined by an Independent Planning Inspector.
- 4.40 An appeal may be considered either through an exchange of correspondence (known as written representations), at an informal hearing, or at a more formal Public Inquiry.
- 4.41 Any comments received during the original consideration of the application will be sent to the Planning Inspectorate. There may be the opportunity to make further

representations on the appeal directly to the Planning Inspectorate, and the Council will ensure that the same neighbour notifications as the original planning application are carried out.

- 4.42 If the matter is to be heard by an Inspector at an informal hearing or Public Inquiry, then objectors will be invited to attend the hearing / inquiry where they may have the opportunity to make verbal submissions directly to the Inspector. The Appellant and the Borough Council also appear at the hearing or inquiry. All parties associated to the appeal are informed of the Inspector's decision if they have been requested to be notified.

Leicestershire County Council

- 4.43 The Borough Council does not deal with all types of planning applications, as certain applications are the responsibility of Leicestershire County Council. The County Council will deal with applications relating to waste and minerals developments, as well as applications relating to County Council owned properties such as depots.

Planning Aid

- 4.44 Planning Aid provides independent professional advice and information on planning matters and is run by a network of volunteer caseworkers. It is aimed at individuals, community groups and other voluntary groups who cannot afford to pay for private consultants. Planning Aid may be able to help you if you want to find out how to:

- apply for planning permission;
- object to or support another person's planning application;
- appeal against a refusal of planning permission;
- get involved in Local Development Document preparation.

- 4.45 Contact details for Planning Aid can be found at:

<http://www.rtpi.org.uk/planning-aid/>

- 4.46 Another source of useful planning information is the Planning Portal. Planning Portal website details are as follows: <https://www.planningportal.co.uk/>

5. How we consult – consultation methods

- 5.1 The previous Chapter provided a summary of consultation methods; however this Chapter looks at the methods in more detail. There are a wide range of consultation methods open to the Council when producing planning documents and determining planning applications. The planning legislation sets out the minimum requirements for public participation and the Council will notify all stakeholders and organisations (at least) as set out in the Regulations. The preferred method of consultation is by email, but where a person or organisation does not have an email address, a letter or other methods will be used.
- 5.2 All Local Plan consultations will be for a minimum of six weeks and Supplementary Planning Documents consultations must be for a minimum of four weeks.
- 5.3 Some of the key methods of consultation that the Council may choose to use to meet the publicity requirements of the Local Planning Regulations are set out below along with the benefit and potential disadvantages of the method. Please note, this list is not exhaustive or statutory.

Table 12: Methods of Consultation

Method	Benefit	Disadvantage
Make documents and supporting information available at the Council's Customer Service Centre and public libraries in Wigston and Oadby.	Consultation document, information and forms for submitting responses are free of charge to view and available during opening hours.	Not all stakeholders will be able to access this information due to limitations on their ability to travel etc. Also opening times can be limiting.
Make documents and supporting information available on the Council's website.	Information easily accessible from people's own homes and businesses, 24 hours a day.	Not all stakeholders will be able to access this information due to limitations on their access to the internet.
Make documents available on CD's (for those unable to access the Internet or Libraries / Council's Customer Service Centre) or printed copies to those who ask.	This provides information in an alternative format, free of charge.	This can be a costly consultation method and also will require stakeholders to have access to a computer to view the documents on a CD.
Hold Exhibitions and / or staffed Road Shows where practical and appropriate.	Publicises information in a user friendly way in a variety of locations. It also provides an opportunity for the public to have a conversation with Officers / the Council about the issues in hand, face to face.	Not all stakeholders will be able to attend these events.
Include information in a Summary Leaflet and send out to households in the Borough where appropriate, this could also include a questionnaire with collection boxes provided at the Council's Customer Service Centre and Libraries.	Provides a brief summary of the document outlining the key headlines to inform plan preparation or to raise awareness of upcoming events or public consultations etc.	Not all residents will read the leaflet. This can also be a very costly consultation method.
Council Newsletter – Letterbox.	This newsletter is distributed to all households in the Borough four times a year so this can be used to alert people to upcoming major issues or planning consultations.	Although distributed to every household and business in the Borough, not all residents will read the information. Timing of a consultation may not fall at an appropriate time of the year to justify inclusion of an article in Letterbox.

Method	Benefit	Disadvantage
Attendance of Planning Officers at meetings and community forums.	Allows information to be displayed in public locations in local areas. Gives opportunities for representatives at meetings and forums to raise and discuss issues.	Not all stakeholders will be able to attend / be aware of these events.
Letters and emails sent to stakeholders and organisations.	A formal means of communication with those on the database; ensures communication is received.	Not all stakeholders have an email registered or will check their emails regularly. Stakeholders address details may also be out of date.
On-line response form on the Council's website.	Comments can be submitted to the Council, quickly, at any time of the day, with no postage costs.	Not always easily accessible to all stakeholders because it requires them to have access to the internet and an email account. There may also be a charge to the Council for its implementation.
Dedicated email address for planning policy matters.	Means of submitting comments and contacting the Council for further information and assistance for the public.	Not always easily accessible to all stakeholders because it requires them to have access to the internet and an email account.
Press releases to local newspapers, radio and regional TV.	Information to the local community which stimulates debate.	Not always easily accessible to all stakeholders because they may not see or hear it.
Posters around the Borough Including the Council's Digital Display Screens.	Information for the local community that may not be seen by other forms of communication. These can be displayed on Notice Boards, Bus Stops, and on Lamp Posts in the areas that are effected.	Not always easily accessible to all stakeholders because they may not be seen. They can also be removed or vandalised.
Involving Elected Members and providing updates.	By informing Members of the latest publications or consultations, they will then be prepared to inform their constituents of the latest planning policy position.	Information presented may be missed or be misinterpreted.

Planning Control – Planning Submissions

5.5 The statutory requirements for consultation with regards to planning applications are set out within the Town and Country Planning (Development Management Procedure Order) (England) (2015). The regulations require that planning applications are publicised by way of some or all of the following, depending on the type of application:

- neighbour notification letters
- a notice in a local newspaper
- a site notice

5.6 Some of the ways that the Council may look to achieve appropriate levels of publicity for an application are set out below.

- 5.7 **Neighbour notification by letter or email** - is the principal method of consultation on most planning applications. Statutory organisations and neighbours adjoining a site or otherwise directly affected are targeted as a minimum. The letter includes brief information about the proposals and gives guidance on how to comment.
- 5.8 **Site notices** - are a 'formal' requirement of the Regulations for applications which affect conservation areas, or for listed buildings, public rights of way and major applications. They are also used to supplement letters or where there are no immediately apparent neighbours to consult.
- 5.9 **Newspaper advertisements** - are a statutory requirement for applications in conservation areas, listed building, public rights of way and major applications.
- 5.10 **A Weekly List of Planning Applications** - is produced on the Council's website which details every application received and validated. This information can be viewed at:
http://www.oadby-wigston.gov.uk/pages/weekly_list
- 5.11 **The Council's Website** - is a useful tool to search for and view new planning applications via the online PublicAccess database:
https://www.oadby-wigston.gov.uk/pages/viewing_planning_information_with_publicaccess
- 5.12 **Posting public notices and press releases** - the local press and radio broadcasters may be an option to communicate with the public on larger planning applications.
- 5.13 **Applications available for inspection at Council Offices** - enables those not able to access the information online the opportunity to examine the appropriate information with prior appointment only.
- 5.14 In addition to the above, the Council has a Practice Note on Publicity and Consultation. This information can be viewed at:
http://www.oadby-wigston.gov.uk/pages/how_to_make_representations_on_a_planning_or_associated_application

Appendix 1 – Duty to Cooperate bodies

Relevant bodies to Oadby and Wigston Borough Council extracted from Part 2, Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that must be consulted to conform to the Duty to Co-operate:

Duty to Co-operate bodies
The Environment Agency
The Historic Buildings and Monuments Commission for England (known as English Heritage recently changed to Historic England)
Natural England
The Civil Aviation Authority
Homes and Communities Agency (now known as Homes England)
East Leicestershire and Rutland Clinical Commissioning Group
The Office of Rail Regulation
Integrated Transport Authority
Leicestershire County Council Highway Department
Leicester and Leicestershire Enterprise Partnership
Local Authorities in the HMA - Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Leicester City Council, Melton Borough Council, North West District Council, and Leicestershire County Council.

Appendix 2 – Specific consultation bodies

In accordance with Government regulations, the following specific ‘formal’ consultation bodies must be consulted where the Borough Council considers that they may have an interest in the subject of the proposed planning document:

This list is not intended to be definitive and it may be appropriate to consult other groups not listed.

Specific consultation bodies	
Blaby District Council	Coal Authority
East Leicestershire and Rutland Clinical Commissioning Group	Environment Agency
Harborough District Council	Highways Agency
Historic England	Homes England
Leicester City Council	Leicestershire Constabulary
Leicestershire County Council (relevant departments)	Natural England
Network Rail	Relevant Telecommunication Companies
Relevant Utility Companies	Severn Trent
Stoughton Parish Council	

Appendix 3 – General consultation bodies

This list is not intended to be definitive (it gives an example of the likely groups) and it may be appropriate to consult other groups not listed.

General consultation bodies	
Architecture, Design and Heritage Interests	Local Groups and Organisations*, inc. Civic Societies
Business and economic Development Organisations	Confederation of British Industry (CBI) Chambers of Commerce, East Midlands Chamber
Countryside / Rural Organisations	Campaign for the Protection of Rural England National Farmers Union Rural Community Council for Leicestershire and Rutland
Emergency Services	Leicestershire Constabulary Leicestershire Fire & Rescue Service
Environmental Protection and Conservations Organisations	Royal Society for the Protection of Birds (RSPB) The National Trust
Health Organisations	East Leicestershire and Rutland Clinical Commissioning Group
Housing Providers and Organisations	Home Builders Federation
Libraries	Agency for the Legal Deposit Libraries
Major Landowners	The Crown Estate University of Leicester
Media Organisations	ITV Central BBC Radio Leicester
Other Government Organisations	H M Prison Services
Other Voluntary Bodies / Charities	British Red Cross Citizens Advice Bureau Guide Dogs for the Blind
Planning Consultancies	National and Local Planning Consultancies that have registered their interest
Postal Services	Royal Mail Group
Racial, Ethnic, National, Religious and Minority Groups Representatives and Interests	Local Groups and Organisations that have registered their interest
Retailers	National and Local Retailers that have registered their interest

Services for the Disabled or those with Special Needs	Equality and Human Rights Commission Mind
Services for the Elderly	Age UK and Age UK Wigston
Service Providers and Conservation Bodies	National Grid UK Western Power Distribution
Sport and Leisure Organisations	Sport England Leicester-Shire and Rutland Sport
Telecommunication Groups	Relevant Groups and Organisations
Tourism	Go Leicestershire
Transport Undertakings and Interests	Network Rail Local Bus Companies, inc. Arriva and First
Youth Organisations	Schools Youth Council

Appendix 4 – Government consultation bodies

Government consultation bodies
Home Office
Ministry of Defence
Ministry of Housing, Communities and Local Government
Ministry of Justice
Department for Business, Energy and Industrial Strategy
Department for Business Innovation and Skills
Department of Digital, Culture, Media and Sport
Department for Education
Department for Environment, Food and Rural Affairs
Department of Health and Social Care
Department for Transport
Department of Work and Pensions

Appendix 5 – Glossary of terms

Title	Abbreviation	Description
Adoption		The final confirmation of a Plan and its policies being deemed acceptable by the Council.
Annual Monitoring Report	AMR	Is a report that measures the ‘success’ of planning policies and assesses plan making performance.
Development Plan Document	DPD	Document subject to independent examination, which will form part of the statutory development plan for the area.
Equalities Impact Assessment	EIA	An evaluation tool which analyses the effect that a policy or procedure will have on a particular group of people to highlight whether there needs are being met and if there are any issues requiring further action.
Independent Examination		Development Plan Documents will be examined by an Independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is sound.
Local Development Scheme	LDS	The Council’s programme for preparing planning documents.
Local Plan		The document setting out the overall planning strategy, policies and proposals for the Borough area.
National Planning Policy Framework	NPPF	The NPPF sets out the Government’s National planning policies and how these are expected to be applied at a local level.
Neighbourhood Planning (General) Regulations 2012 (as amended)		The Regulations that set out the process by which the Neighbourhood Plans must be prepared.
Planning Inspectorate		A government body whose work involves processing planning and enforcement appeals and holding examinations into Development Plan Documents.
Statement of Community Involvement	SCI	Document setting out when, with whom and how consultation will be undertaken on Local Development Documents.
Supplementary Planning Document	SPD	Document that expands on policies and proposals set out in the Local Plan.
Stakeholder		A person, group, organisation, company etc with an interest in or potentially affected by planning decisions in the Borough.
Sustainability Appraisal	SA	Document setting out the appraisal of plans and policies to ensure that their potential impact is assessed and that they reflect sustainable development objectives.
Test of Soundness		A series of questions the Independent Inspector asks during the Independent Examination of the Local Plan to assess whether it has been positively prepared, justified, effective, and if it is consistent with national policy.
The Council		Oadby and Wigston Borough Council
Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended)		The Regulations that set out the process by which the Local Plans and SPDs must be prepared.

Appendix 6 - Contacts

You can contact the Planning Policy and Regeneration, and Development Management Teams by telephoning the Borough Council Offices in Wigston, or by emailing or writing us:

Tel: 0116 288 8961

Email (Development Management - Applications):
planning@oadby-wigston.gov.uk

Email (Planning Policy and Regeneration):
planningpolicy@oadby-wigston.gov.uk

Postal Address:

Oadby and Wigston Borough Council
Council Offices
Station Road
Wigston
Leicestershire
LE18 2DR

Appendix 7 – Further information

Legislation

The Town and Country Planning (Local Planning) (England) Regulations 2012.
<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012.
<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

The Town and Country Planning (Development Management Procedure) (England) Order 2015: <http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

The Town and Country Planning (General Permitted Development) (England) Order (as amended)

National Policy / Guidance

National Planning Policy Framework, sets out government's planning policies for England and how these are expected to be applied.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance, sets out the government's guidance for implementing policies set out in the NPPF.
<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Aid, provides independent professional advice and information on planning matters and is run by a network of volunteer caseworkers. It is aimed at individuals, community groups and other voluntary groups who cannot afford to pay for private consultants. <http://www.rtpi.org.uk/planning-aid/>

Planning Portal, is the national home of planning and building regulations information and the national planning application service: <https://www.planningportal.co.uk/>

Oadby and Wigston Borough Council

Planning, outlines the way planning issues are dealt with by the Council.
<https://www.oadby-wigston.gov.uk/pages/planning>

Planning Policy, outlines the Borough's Local Plan and provides links to the various relevant documents. https://www.oadby-wigston.gov.uk/pages/oadby_and_wigston_local_development_framework

Planning Control, (which is sometimes referred to as 'development control' or 'development management') deals principally with managing the development process from pre-application enquiries and discussions, the formal application process and post decision requirements and or alterations. It also includes planning enforcement which deals with breaches of planning control. https://www.oadby-wigston.gov.uk/pages/development_control

Building Control, provides advice and assistance to achieve quality of design and construction in buildings in accordance with The Building Regulations and associated legislation. https://www.oadby-wigston.gov.uk/pages/building_control

Developer Contributions Supplementary Planning Document

Adopted Document

April 2019



Contents

1 – Introduction	2
2 – Policy Framework	5
3 – Procedures	6
4 – Specific Planning Obligation Guidance by Typology	11
Affordable Housing	12
Air Quality	15
Community Facilities	16
Community Safety and Policing	17
Health and Wellbeing	18
Leicestershire County Council Services	19
Open Space, Sport and Recreation Facilities (Incorporating Green Infrastructure)	20
Public Realm	30
APPENDIX 1:	
COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE CHECKLIST FORM	32
APPENDIX 2:	
WARD BY WARD OPEN SPACE, SPORT AND RECREATION FACILITIES (INCORPORATING GREEN INFRASTRUCTURE) CONTRIBUTIONS PER DWELLING (BASED UPON NUMBER OF BEDROOMS)	34

1. Introduction

Purpose of the document

- 1.1 The purpose of this Developer Contributions Supplementary Planning Document (SPD) is to set out Oadby and Wigston Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the Borough.
- 1.2 Once finalised and published, this document will replace Oadby and Wigston Borough Council's Developer Contributions SPD (2011) and its supporting Developer Contributions Evidence Base for Open Space, Sport and Recreation (incorporating Green Infrastructure) (2011).
- 1.3 This guidance does not present every possible circumstance and / or obligation that may be sought or taken into account, although it does provide a clear indication of the Borough Council's essential requirements from new developments in respect of planning obligation requirements and costs that will be sought at an early stage in the development process. The Borough Council will seek to engage with the applicant and / or developer on all qualifying applications¹ at an early stage so that appropriate provision when formulating costs and undertaking financial appraisals can be made and taken into account.
- 1.4 Since the introduction of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations), applicants and / or developers are expected to contribute towards the provision of infrastructure on qualifying developments through any or a combination of the following mechanisms:
 - Paying a Levy through CIL (if adopted at a local level);
 - S106 obligations;
 - Unilateral undertakings;
 - Planning conditions; and,
 - S278 highway contributions.
- 1.5 The CIL Regulations mean that since 6 April 2015, the use of Section 106 planning obligations has become more restricted. All service providers are only able to seek planning obligations that satisfy the three tests as per CIL Regulation 122(2)² and deliver a specific infrastructure project or type of infrastructure. CIL Regulation 123(3)³ places a limit of a maximum of 5 separate planning obligations that can be pooled to deliver a scheme (entered into on or after 6 April 2010).

¹ In accordance with National Planning Practice Guidance (Paragraph: 031 Reference ID: 23b-031-20161116), contributions should not be sought from developments of 10-units or less (eg. 11+ dwellings), and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). The most up to date threshold will be used.

² <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

³ <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/123>

- 1.6 In recent years, the CIL Regulations have been subject to a series of reviews by Central Government. Indeed, in Spring 2018, the Government consulted on a document titled *‘Supporting housing delivery through developer contributions’*. The Ministry of Housing, Communities and Local Government have launched a number of further public consultations since, most recently on, *‘Reforming Developer Contributions: Technical Consultation on Draft Regulations’ (December 2018)* that sets out various proposed reforms to the system of developer contributions, primarily the Community Infrastructure Levy and section 106 planning obligations.
- 1.7 The guidance in this document is therefore provided within the parameters of the existing CIL Regulations and National Planning Policy and Guidance, together with the Council’s Local Plan policies. The guidance set out within this SPD must always primarily seek to accord with the appropriate nationally set, statutory, legislation. Should Government make future changes to the Regulations that impact upon the way the Council seeks developer contributions in the Borough, the Council must always refer to nationally set policy.

What are Planning Obligations?

- 1.8 A planning obligation is secured by either a deed of agreement or a unilateral undertaking made under planning legislation (Section 106 of the Town and Country Planning Act 1990 (as amended)) in association with a planning permission for new development. It is normally applied to aspects of development that cannot be controlled by imposing a planning condition or by the use of other statutory controls. Planning obligations are legally binding, enforceable if planning permission is granted and run with the land, rather than the named applicant. They can cover almost any relevant issue such as types of infrastructure or services, as well as future maintenance.
- 1.9 Planning obligations should only be used where it is not possible to address the unacceptable impact of the new development through a planning condition (NPPF).
- 1.10 In addition to this, CIL Regulation 122(2) states that the use of planning obligations should only be sought where they meet all of the following three tests:
- They are necessary to make a development acceptable in planning terms
 - They are directly related to a development
 - They are fairly and reasonably related in scale and kind to the development.

What is Community Infrastructure Levy (CIL)?

- 1.11 The Community Infrastructure Levy (CIL) came into force on 6 April 2010 and it is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Development would be liable for a charge under CIL if a Local Planning Authority has chosen to set a charge in its area. Once adopted, CIL is a fixed, non-negotiable, enforceable charge placed upon all qualifying new developments in the relevant administrative area.

- 1.12 The Council assessed the option of developing a Community Infrastructure Levy charging schedule in 2013 and 2017. On both occasions, the assessments deemed that negotiating planning obligations through the use of Section 106 Agreements would still be the most appropriate and viable method for delivering infrastructure in the Borough of Oadby and Wigston. The Council will continue to assess the viability of adopting a Community Infrastructure Levy charging schedule and will update the Developer Contributions Supplementary Planning Document accordingly, should circumstances change.

Relationship between CIL and Planning Obligations

- 1.13 The Government currently intends CIL to provide infrastructure to support development, rather than to specifically make individual development proposals acceptable in planning terms. Government guidance indicates that site specific mitigation will still be sought through the negotiation and use of planning obligations.
- 1.14 CIL Regulations 122 and 123 place limitations on the use of planning obligations and makes the planning obligations policy tests (paragraph 1.10 above) a statutory requirement. These two regulations seek to avoid overlaps between CIL and planning obligations and to limit the pooling of planning obligations (up to a maximum of five separate obligations to any identified project) towards infrastructure provision that could be funded by CIL⁴. The Government's intention is for local authorities to operate CIL and planning obligations in a complementary way.

Planning Conditions

- 1.15 As set out within National Planning Practice Guidance (NPPG), when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
- 1.16 The National Planning Policy Framework (NPPF) suggests that planning conditions cannot require the transfer of land ownership or the payment of monies. They are attached to individual planning permissions where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.
- 1.17 Planning conditions tend to set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. They may also require further details to be submitted at a specific stage in order to make a proposal acceptable.

⁴ Reforming Developer Contributions: Technical Consultation on Draft Regulation (Dec 2018). Please note that the Ministry of Housing, Communities and Local Government are proposing to remove pooling restrictions on S.106 planning obligations for all local authorities in England. Should this come into force, pooling restrictions will be lifted.

Section 278 Agreements

- 1.18 Where a development requires works to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and Leicestershire County Council (the Highways Authority) under Section 278 of the Highways Act 1980. Examples of such works could include the construction of a new access; junction improvements on the highway; or, safety related works such as traffic calming or improved facilities for pedestrians and cyclists.
- 1.19 The pooling restrictions on planning obligations do not apply to Section 278 agreements. However, should CIL be charged in an area, the CIL Regulations prohibit CIL being spent on a highway scheme where a Section 278 agreement has already been entered into.

2. Policy Framework

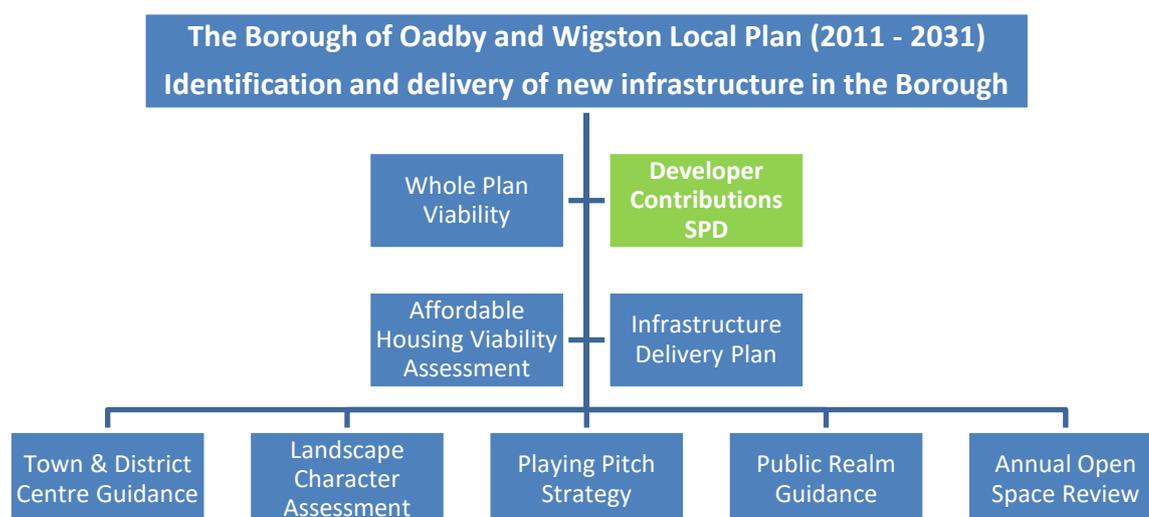
National Level

- 2.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended); Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council will also have regard to the Policy and guidance set out within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

Local Level

- 2.2 The statutory Development Plan for the Borough currently comprises of the Oadby and Wigston Local Plan.
- 2.3 The Local Plan contains both strategic and development management based policies for the Borough, and includes allocations, including those for housing and employment land. The Local Plan's Spatial Strategy sets out how the Council will deliver its Objectively Assessed Need (OAN) for both housing and employment, as established by the Leicester and Leicestershire Housing and Economic Development Needs Assessment (January 2017).
- 2.4 Other key planning policy and supporting evidence base documents include:
 - Supplementary Planning Documents (SPDs). SPDs expand upon and / or provide further detail in relation to policies contained within Development Plan Documents.
 - The Infrastructure Delivery Plan (IDP). The IDP is a 'live' document adjusted over time and contains projects required to support Local Plan Policy including that related to Infrastructure and Developer Contributions.
 - The Playing Pitch Strategy (PPS). The PPS is an evidence based document, developed by the Council in partnership with key service providers with an active interest in sport and leisure in the Borough.
 - A number of other evidence based documents, enabling the effective delivery of infrastructure in the Borough.

Figure 1. Local policy approach to delivering new infrastructure in the Borough.



- 2.5 The Council's Local Development Scheme (LDS)⁵ sets out the latest programme for the preparation of all of the key local planning policy documents.

3. Procedures

General Approach

- 3.1 Once adopted, this Developer Contributions SPD will comprise the Council's approach to seeking developer contributions from qualifying new developments in the Borough. It also sets out details of how external service providers will also have the opportunity to seek planning obligations in accordance with the Regulations from new qualifying development.

Planning Obligations

- 3.2 Although the scope for securing planning obligations via Section 106 Agreements has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations for infrastructure needs will still be sought from qualifying developments that will mitigate the direct impact of the proposal (on a case by case basis), provided the obligations sought satisfy the statutory tests as set out by CIL Regulation 122 (2).
- 3.3 In order to ensure that developer contribution requests via Section 106 Agreements satisfy the three statutory tests, all planning obligation requests sought by signatory and non-signatory providers will be submitted in a timely manner and subsequently discussed at the Council's internal Section 106 Working Group that meets on a regular basis. It is important to note that all submitted planning obligation requests sought by signatory and non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD.

⁵ A copy of the latest LDS can be viewed on the Council's website at www.oadby-wigston.gov.uk

- 3.4 Should it be necessary, the Council's Section 106 Working Group may request further evidence to ensure that the Council is satisfied that the planning obligation(s) sought by signatory or non-signatory service providers comply with the three statutory CIL tests, as per CIL regulation 122(2). In such circumstances, the designated Case Officer for the relevant planning application will liaise directly with the relevant agency, before it is determined by the Council whether an obligation satisfies the three tests and can therefore be put forward for inclusion within the Section 106 Agreement.
- 3.5 The Council and all other key agencies will use planning obligations to:
- Secure general planning requirements that are necessary to allow the development to be permitted and where this cannot be achieved by way of planning conditions;
 - Ensure that there is satisfactory infrastructure to allow the development to proceed and that the infrastructure provided will be maintained for a prolonged period; and
 - Offset relevant adverse impacts from the development where the proposal might otherwise have been refused because of those adverse impacts.

Pre-Application Discussions

- 3.6 For all new developments, applicants and / or developers are encouraged to engage with the Council at the earliest opportunity. It is the Council's strong preference, particularly when applications and associated planning obligations of a larger scale and / or more complex, that negotiations occur and agreement on Heads of Terms is achieved, prior to the submission of a planning application. Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated.

Unilateral Undertakings

- 3.7 In cases where a planning obligation is only required to deal with financial contributions, an alternative option available is to make a Unilateral Undertaking.
- 3.8 A Unilateral Undertaking is a simplified version of a Section 106 planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily, which benefits both the applicants and the Council.
- 3.9 A Unilateral Undertaking will consist solely of the payment of financial contributions, to be paid at agreed stages, but usually on the granting of planning permission and / or prior to or at different stages of development completion.
- 3.10 This approach allows applicants for small schemes to reduce the legal costs and avoid potential delays often associated with S106 legal agreements.

Cross Boundary Applications

- 3.11 Where an application site falls partly within another neighbouring local planning authority area, the Council will, as far as possible, seek to coordinate proportionate planning obligation requirements with that authority. However, should an agreement not be reached, the Council will seek obligations from the portion of the site that falls within the Council's administrative boundary, only.

Viability

- 3.12 One of the key objectives of this SPD is to alert applicants of the likely level of planning obligations that can be expected from proposed developments, well in advance of any planning application being submitted. Applicants and / or developers can then factor these requirements into potential scheme costs at an early stage.
- 3.13 In accordance with the National Planning Practice Guidance (NPPG), the Council will ensure that when seeking planning obligations, the combined total impact will not threaten the overall viability of the sites and scale of development identified in the Development Plan.
- 3.14 In the event of a disagreement arising about the financial viability and the level of planning obligations sought for a scheme, the applicant would be expected to provide the Council with clear, transparent, and robust evidence to support their case. In most instances, this would involve the Council reaching an understanding based upon the submission of a detailed open-book financial appraisal, undertaken by an independent assessor. For situations where there are significant financial contribution requests from other public bodies responsible for providing infrastructure (including Leicestershire County Council), the Borough Council will expect that body to be actively involved in this assessment process and its conclusions. In all cases, the Council will require this evidence to be submitted and agreed in a timely manner, prior to the determination of the planning application in question.
- 3.15 If deemed appropriate by the Council, S106 Agreements can take account of the viability lifecycle of a development. Should exceptional circumstances warrant its inclusion, a developer may be requested to set out their 'predicted profitability levels' for the lifecycle of the development proposal. In such circumstances and on the basis of an agreed open book appraisal prior to the determination of an application, it can be a requirement of the initial S106 Agreement for there to be a second viability appraisal (and subsequent amended S106 Agreement) at some point during the course of the development, for example, after three years. If the results of the second viability appraisal show:
- That the predicted profitability levels have increased, then the Council will have a right to an overage, i.e. a further payment/provision of infrastructure or affordable housing to that already secured in the S106 Agreement;
 - That the predicted profitability levels have stayed the same, then there will be nothing further to do with the S106 Agreement;
 - That the predicted profitability levels have decreased, then the Council will negotiate further with the applicant concerning planning obligations.

- 3.16 All costs incurred by the Council in financial appraisals and viability assessments are to be met in full by the applicant, developer, and / or landowner(s) specified on the S106 Agreement.

Security and Timing of Payments

- 3.17 Financial contributions (apart from fixed legal costs and standard administrative fees which are usually paid prior to the completion of the agreement) will need to be paid prior to the implementation of the planning permission or in accordance with the agreed programme of staged payments, as per the 'triggers' set out within the signed Section 106 Agreement.
- 3.18 The applicant should make a note of all of the corresponding triggers or payment dates for all of the planning obligations included within the S106 Agreement, prior to the signing of that legally binding contract.
- 3.19 Approximately 15 working days (Monday to Friday, excluding Bank Holidays) prior to reaching a trigger or scheduled payment date, the applicant or developer should notify the Council of their intention to pay the financial contribution. If the developer notifies the Council of their intention to pay the financial contribution after the trigger or payment date has elapsed, then late payment interest will be charged at a rate of 4% above the standard base rate or as otherwise stated in the legal agreement for each planning obligation. In such circumstances, the applicant or developer may also become liable for additional monitoring or enforcement costs.
- 3.20 The Council will then calculate the total financial contribution payable, including any interest and/or indexation due, and will provide a copy of this calculation to the applicant or developer. This calculation will be valid for a period of 15 working days (Monday to Friday, excluding Bank Holidays) from the date of issue unless otherwise agreed in writing. If the calculation has not been agreed within 15 working days and is shown to be arithmetically correct following the resolution of any dispute, then late payment interest will be charged as per paragraph 3.19 above.
- 3.21 Once the applicant or developer has agreed the calculation, the Council will issue an invoice for the agreed sum. The invoice issued will be subject to the Council's standard payment terms.
- 3.22 Upon receipt of the financial contribution, it will be held in a specific account by the Council before being transferred to the relevant internal departments or third parties (e.g. other public sector body, external service provider etc.) responsible for spending the contribution.
- 3.23 The S106 Agreement will include a clause detailing how and when any unspent funds will be refunded. In the case of a unilateral undertaking, there cannot be any requirement on the Council to return any unspent monies in such circumstances.
- 3.24 All receipts and spending of financial contributions will be recorded and monitored by the Council's Senior Management Team, via the Council's Section 106 Working Group.

- 3.25 An appropriate mechanism is needed to ensure that any facilities that are funded by developer contributions remain in use for their intended community benefit for at least 15 years. As such, any funds secured towards the provision of extensions to; improvements of; or, development of new facilities will be subject of an agreement with the relevant service delivery provider(s). All service delivery providers that benefit under these circumstances would be required to repay funds (on a pro rata basis) if the facility does not continue for 15 years after completion. For example, if a facility ceases after 5 years of having been completed, 10 years' worth of contributions will be repaid to the developer, with interest.
- 3.26 Please note that financial contributions payable to Leicestershire County Council (i.e. those relating to highways, education, relevant administrative and / or monitoring fees etc) will be subject to the County Councils own process and applicants or developers are advised to refer to Leicestershire County Council's Planning Obligations Policy (available online) or to contact the Leicestershire County Council's Development Contributions Officer for further information. For further details, please refer to paragraphs 4.42 to 4.44 of this SPD.

Fees

- 3.27 The Council's legal costs of preparing legal agreements will be borne by the applicant or developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. The Council will therefore require the applicant or developer to provide a 'cost undertaking' to pay for the Council's reasonable fees, even in the event that the agreement is not completed.
- 3.28 Standard Unilateral Undertakings will be subject to an administration charge covering the Council's legal costs and if necessary, the transfer of money to third parties.

Monitoring and Enforcement

- 3.29 The Council monitors all of its own Planning Obligations (as well as non-signatories) and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. Therefore, the Council consider that the following monitoring fees will be applied to all legal agreements that incorporate monetary or non-monetary planning obligations to be paid to or to be to the benefit of the Borough Council⁶:

⁶ Fees have been calculated by averaging total Officer time taken per legal agreement; and well as, the average cumulative cost to the Council per hour.

No. of Dwellings (net additional units)	Estimated No. of Hours Monitoring at £50.00 per hour	Monitoring fee (£) to be paid to OWBC
0 - 11	Nil	Not applicable.
12 - 25	0 – 5 hours	£250.00
26 - 50	6 – 10 hours	£500.00
51 - 100	11 – 15 hours	£750.00
101 +	16 – 20 hours	£1,000.00

- 3.30 For all other non-domestic new development(s) where monetary or non-monetary planning obligations are to be sought by the Borough Council as per their inclusion within the relevant legal agreement, a standard monitoring fee of £250.00 per legal agreement will be applied.
- 3.31 Where there is evidence of non-compliance with a Planning Obligation (such as the non-payment of financial contributions, failure to comply with an obligation, or failure to notify the Council of a due payment or event as required), the Council will seek to recover all reasonable administration and enforcement costs incurred. This could include, for example, costs incurred during site visits, the recovery of any unpaid monies and/or correspondence. If it is clear to the Council's Section 106 Working Group that obligations within an agreement are not being complied with, the Council's Senior Management Team will instruct the Council's Legal Team to take appropriate action to secure compliance.

Indexation

- 3.32 Financial contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date and appropriate index for the planning obligation(s) to be applied will be set out in the legal agreement.
- 3.33 Where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation (often BCIS, RPI or CPI). The cost figures are the sums required at the time of negotiation. The County Council may also adjust payments, but these might be subject to different measures of inflation.

4. Specific Planning Obligation Guidance by Typology

- 4.1 This section gives specific advice for various types of infrastructure commonly required by the Council to support new development.
- 4.2 As stated previously, this document does not cover every circumstance and / or planning obligation that may be needed to make a new development acceptable in planning terms. In all cases the Council will ensure that the infrastructure sought complies with the three statutory tests as contained within CIL Regulation 122 (2):

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development”.*

- 4.3 As necessary, the Council may give consideration to the cumulative impact of a proposal, particularly if a proposed new development is likely to come forward in staged phases or if it is adjacent to or near another proposed new development.
- 4.4 Applicants are always encouraged to engage with the Council at the soonest of opportunities to understand what the likely infrastructure requirements for a proposed scheme may be and how these will be sought.

AFFORDABLE HOUSING

- 4.5 The Borough of Oadby and Wigston has an identified affordable housing need. The Local Plan, together with its supporting evidence, recognises the need for affordable homes, and aims to ensure that the Council is well placed to maximise investment by registered providers and to respond to opportunities as they arise.
- 4.6 In addition, the provision of affordable homes, specifically those for affordable rent, is a priority for the Council as it recognises the important role that such provision plays in providing homes for all within its local communities.
- 4.7 The NPPF defines affordable housing^[1] as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions set out in Annex 2 of the NPPF.

Local Requirements and Thresholds

- 4.8 Chapter Six of the Local Plan deals with Housing Delivery. The Local Plan Policy covering Affordable Housing gives a full explanation of the Council’s requirements. Affordable housing will be required at the following minimum targets which have been informed by the Council’s current Whole Plan Viability Assessment and Affordable Housing Viability Assessment. It should be noted that all decimals will be rounded up to the nearest whole number of affordable dwellings required from each qualifying development scheme (as a ‘portion’ of a dwelling cannot be built):
- Oadby – 30 per cent of the total number of units
 - Wigston (including Kilby Bridge) – 20 per cent of the total number of units
 - South Wigston – 10 per cent of the total number of units
- 4.9 Of the affordable homes provided as per the percentages illustrated above, the Council will generally seek 80 per cent affordable rent and 20 per cent shared ownership, however, will respond to local housing need at the time of consideration of a relevant planning proposal.

^[1] Annex 2 of the National Planning Policy Framework (NPPF) – Affordable Housing definition:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_accessible_version.pdf

- 4.10 In accordance with the NPPF, to support the re-use of brownfield land and where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount^[2]. For further guidance on qualifying developments, applicants are advised to refer to relevant advice within National Planning Practice Guidance (NPPG).

Housing Choices

- 4.11 Refer to Local Plan Policy covering Housing Choices for a full explanation of the Council's objectives regarding the delivery of an appropriate housing mix in the Borough. In summary, all residential development should contribute towards delivering a mix of dwelling types, tenures and sizes that meet the identified needs (and / or demand) of the communities within the Borough. For example, the provision of bungalows will be encouraged to meet demands of the Borough's ageing population. It is expected that all new residential development proposals demonstrate how they contribute to achieving the identified needs as set out within Chapter 12 of the Housing and Economic Development Needs Assessment, as well as the Council's Housing Strategy (2018). In addition, on all new large scale residential developments (11 dwellings and more) the proposal shall contain an appropriate housing mix having regard to the nature of the development site, character of the surrounding area, the most up-to-date evidence of need, as well as the existing housing mix of the immediate area.
- 4.12 In some cases the Council may also seek to secure a small number of more specialist housing units which will provide accommodation for those with support needs. These will be sought in areas which are deemed to be appropriate and in discussions with applicants at an early stage.

Affordable Housing Standards

- 4.13 The Council's Local Plan does not set out detailed policies on affordable housing standards, however, it is expected that all affordable housing provided under a rented tenure will be built to the Governments 'Technical Housing Standards - Nationally Described Space Standards'. Intermediate housing which is deemed to be low cost home ownership should be built to the same or better space standards, including garden sizes as the equivalent market housing on the site.
- 4.14 With all development sites that provide affordable homes, the Council will require 'tenure blind' provision. For example, there should be no discernible difference between affordable housing tenures and / or market housing. It is expected that where appropriate, affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures with no immediate boundary of other clusters nearby. The Council will be flexible and pragmatic on this clustering approach when considering certain site constraints or scheme densities if there is robust and justified reasoning for doing so. Applicants are encouraged to engage in pre-application or early discussions with the Council as part of a full

^[2] Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

planning application to reach agreement over the most appropriate approach for a scheme.

Viability

- 4.15 The Council will seek the provision of affordable housing on all qualifying developments in accordance with criteria as per the Local Plan Policy covering Affordable Housing. Further detail of how the Council will assess viability is set out in Section 3 of this SPD.

Commuted Sum Calculations

- 4.16 In the event that the Council accepts that there are exceptional circumstances that merit the payment of a commuted sum in lieu of on-site affordable housing provision, it will be calculated on the basis of the mix of tenures and sizes that the Council considers would have been appropriate for the site. The sum should be of a 'broadly equivalent value' of the developer contribution, if the affordable housing was provided on site. The commuted payment will be calculated by an independent viability assessor, at the cost of the applicant.

AIR QUALITY

- 4.17 Promoting sustainable development is a key focus of National planning policy and has been addressed by a number of Local Plan policies including those relating to Sustainable Transport and Initiatives; Climate Change, Flood Risk and Renewable Low Carbon Energy; and, Infrastructure and Developer Contributions.
- 4.18 The Council is aware of the need to consider the effects of development on air quality, and how it can contribute towards improvements to mitigate adverse impacts. The Borough's geographical location means that reducing travel by car and managing traffic congestion is a major challenge. Maximising the opportunity to shift from dependency on cars to more sustainable modes of transport is also identified as a priority for the Council.
- 4.19 The Local Plan seeks to ensure that where it is reasonable to do so, all new development proposals should be designed to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 4.20 For new major developments of 11 or more dwellings (net increase) and 1,000 sqm of floor area and above (gross internal area), when the Council has a justified reason to be concerned about the potential level of harmful emissions or pollutants that will be created as a result of a proposed development, the Council will expect measures that offset any potential increase and will either seek an appropriate on or off site mitigating project or a financial contribution towards any of the following types of schemes:
- Measures during the construction of new development including dust control; site monitoring and plant emissions;
 - Improved access to public transport;

- The provision of on and / or off site facilities for cycling and walking;
- The management of car parking;
- Traffic management;
- Road infrastructure;
- Green Travel Plans;
- On or off site equipment for the monitoring of air pollution.

4.21 The Council will discuss these concerns with the applicant during the application process, and if a financial or in-kind contribution is deemed necessary, on a case-by-case basis a project or sum will be identified and agreed to mitigate the scale, trip generation for different uses and the anticipated effect on air quality from the development.

COMMUNITY FACILITIES

4.22 Community Facilities (sometimes referred to as Community Assets) are defined as buildings or spaces where community led activities for community benefit are the primary use and the facility is managed, occupied or used primarily by the voluntary and community sector. Community facilities can be located in a wide range of venues and can include purpose-built structures such as:

- Community halls and village halls;
- Places of worship;
- Health centres;
- Schools; and,
- Cultural and heritage assets such as museums, libraries, theatres, post offices, nationally or locally listed buildings, and, public houses.

4.23 These can also include converted houses, flats, shops, scout and / or guide huts and rooms or halls attached to faith buildings.

4.24 To plan for sustainable communities successfully, there should ideally be good access to a choice of social, cultural, youth and sporting activity. Such opportunities are often provided by community or voluntary organisations and the Council actively encourages a wide range of providers within the area. New development can often have a direct and considerable impact upon these activities, placing additional demand on the existing facilities and often creating a need for new facilities.

Contributions and Thresholds

4.25 In accordance with the Community Facilities Policy in the Local Plan, the Council will expect all new major developments of 11 or more dwellings (net increase) and 1,000 sqm of floor area and above (gross internal area) to contribute towards the provision of new community facilities or the improvement / expansion of existing facilities where there is not enough existing spare capacity to meet the needs generated by the new development. This may include financial contributions and / or the provision of land and buildings to enable new community facilities to be provided, or, for existing facilities to be extended or improved.

- 4.26 Developments of, for example over 300 dwellings, may generate the need for a new community facility as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution which may take the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of determining the application.
- 4.27 Adequate provision of and existing capacity within local facilities (e.g. community halls of a size to accommodate activities for all community members which include children & young people, families, adults and older people) is important in order to meet the additional demands arising from new developments. Off-site financial contributions will be sought and pooled (up to five obligations per infrastructure scheme) to deliver the following types of projects which increase the capacity and access to community facilities, including:
- Upgrading of current community facilities, to increase their use;
 - New community facilities;
 - Extensions of existing community facilities;
 - Feasibility studies (associated with identified and evidenced CIL compliant capital projects);
 - Professional costs (associated with identified and evidenced CIL compliant capital projects);
 - Refurbishment of community facilities to increase their use and capacity;
 - Provision of facilities for people with disabilities; and
 - Improvement of access to community facilities.
- 4.28 Much of the new development that comes forward in the Borough of Oadby and Wigston is at a smaller scale, yet all qualifying sites should still be expected to similarly contribute to community needs generated by additional development, by helping to expand capacity or develop existing levels of provision. At the time of a planning application being received, the Borough Council will engage with the key Officers and refer to the Infrastructure Delivery Plan (IDP) for evidence of required identified infrastructure projects.
- 4.29 Contributions will be sought towards the creation of new and / or enhancement of existing community facilities in the vicinity of new development(s) where the proposed development will have a direct relationship with a community facility scheme identified within the Council's Infrastructure Delivery Plan (IDP).
- 4.30 In exceptional circumstances, contributions arising from non-residential developments may also be sought should it be evident that the scale and type of the development proposed is likely to place an additional demand upon the existing community facilities. For example, specialist residential or day care institutions may be required to provide on-site facilities or off-site contributions as appropriate.
- 4.31 The level of financial contributions sought will reflect the character and context of the projects required, the scale of the new proposed development that requires mitigation, and, will be negotiated on a case-by-case basis. If the Council requires the assistance of an independent party during negotiations, this will be done at the applicants cost.

- 4.32 Depending on the overall scale of the new development, including the potential cumulative impact if located adjacent or near to other new development(s), greater financial contributions may be sought to meet the identified needs of the new population.

COMMUNITY SAFETY AND POLICING

- 4.33 The East Midlands Ambulance Service NHS Trust (EMAS), Leicestershire Fire and Rescue Service and Leicestershire Police may request developer contributions from qualifying developments to meet the additional costs to deliver their respective additional emergency service provision required as a result of any qualifying development.
- 4.34 In accordance with the High Quality Design and Materials Policy in the Local Plan, the Council will expect all new developments and major refurbishments to create inclusive places that design out opportunities for anti-social behaviour and crime, as well as create connected places by ensuring that developments fit well with existing routes by avoiding dead ends and convoluted routes, allow integration with the wider settlement, and, link to existing services and facilities. Therefore, developers will be expected to contribute to creating safer communities through investing in positive design that minimises potential negative impacts upon community safety and the fear of crime.
- 4.35 The emergency services will be required to robustly demonstrate to the Council through sufficient evidence that there is a need for additional community safety and policing infrastructure in order to make a new development acceptable.
- 4.36 Contributions may be sought from qualifying residential schemes of all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), provided there is a justified need to seek contributions and that the proposed infrastructure scheme(s) to be funded are CIL compliant and in accordance with the Infrastructure and Developer Contributions Policy in the Local Plan. Contributions may also be sought from non-residential schemes of 1,000 sqm floor area and above, depending upon the likely impact of the new development. The level of financial contributions sought will reflect the character and context of the works required and will be negotiated on a case-by-case basis. All submitted planning obligation requests sought by signatory and non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD.

HEALTH AND WELLBEING

- 4.37 Improving public health and wellbeing is one of the principle overarching objectives for any growing community and delivering wellbeing for all is included as one of the Council's key objectives for the Borough of Oadby and Wigston. Therefore, the Improving Health and Wellbeing Policy, together with the Sustainable Transport and Initiatives Policy in the Local Plan, both seek to meet this objective by increasing levels of walking and cycling, encouraging more active lifestyles, reducing harmful transport emissions and by improving access to local healthcare provision.

- 4.38 To ensure this objective is deliverable, the Council will consult and seek to work in partnership with NHS England and East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) on future development plans in order to continually assess long term health planning within the Borough.
- 4.39 Where it can be clearly demonstrated that there is not enough existing spare capacity to serve the population of a new residential development, developers will be expected to contribute towards the provision of additional health care infrastructure to meet that need. This may include financial contributions and / or the provision of land and buildings, or, the upgrading or extension of existing facilities that will serve that development and therefore enable the greater accessibility to CIL compliant health infrastructure facilities that will serve the new development(s) population.
- 4.40 For all qualifying residential development(s) of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) or non-residential developments of a combined gross internal floorspace of more than 1,000 sqm, where appropriate infrastructure schemes have been identified, financial or in-kind contribution(s) may be sought towards the delivery of new, improved, and / or, the extension of existing healthcare facilities. All submitted planning obligation requests sought by signatory or non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD.
- 4.41 Many primary care practices are run as independent businesses and therefore, an appropriate mechanism is needed to ensure that any healthcare facilities that are funded by developer contributions remain in community use for at least 15 years. As such, any funds secured towards the provision of extensions / improvements or new facilities will be subject of an agreement with the individual practices. Any practice that benefits under these circumstances would be required to repay funds (on a pro rata basis) if the practice does not continue for 15 years after the facilities have been provided. For example, if a practice ceases after 5 years of the facilities being provided, 10 years' worth of contributions will be repaid to the developer, with interest.

LEICESTERSHIRE COUNTY COUNCIL SERVICES

- 4.42 Leicestershire County Council (LCC) is legally entitled to be a signatory to all Section 106 Agreements that are negotiated in the Borough of Oadby and Wigston, as well as enforce all relevant planning obligations as part of those relevant agreements.
- 4.43 The County Council is responsible for the delivery of a number of crucial services throughout the County of Leicestershire. Therefore, for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), or non-residential developments of a combined gross internal floorspace of more than 1,000 sqm, when the Leicestershire County Council has a justified reason to seek contributions towards CIL compliant infrastructure projects, requests for planning obligations towards the following services may be submitted:
- Adult Social Care and Health;
 - Civic Amenity / Waste Management;

- Education;
- Economic Growth;
- Highways and Transportation;
- Library Services;
- Sports and Recreation;
- Community Safety; and,
- Public Health.

4.44 The County Council's [Leicestershire Planning Obligation Policy](#) was adopted in December 2014 and sets out the approach for seeking planning obligations in Leicestershire. This document explains the level and types of infrastructure which may be sought to address the impacts of a new development. Please note, at the time of drafting this SPD, Leicestershire County Council were undertaking a public consultation on an updated Planning Obligations Policy Document and therefore, applicants are advised to contact the County Council directly when assessing site viability, incorporating anticipated planning obligations.

OPEN SPACE, SPORT AND RECREATION FACILITIES (INCORPORATING GREEN INFRASTRUCTURE)

- 4.45 Proposals for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) will be expected to contribute towards open space, sport and recreation facilities in accordance with all relevant Local Plan Policy.
- 4.46 Proposals for new residential development should contribute to the provision and / or enhancement of open space in areas where there is a deficiency in provision, or poor quality of open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area. On-site provision of open space should provide at least the requirements as set out below in Table 2 and off-site contributions towards open space provision should be consistent with the Council's approach, as set out in this section of the SPD.
- 4.47 Locally based open space requirements have been developed by the Council and have been very successful in maintaining (and increasing) the levels of open space within the Borough. With this success, it is felt that it would not be appropriate to deviate from the current requirements, however through close discussion with Sport England, the requirement and provision of Outdoor Sport Space will be achieved through linking contributions sought to the requirements set out in the Council's Playing Pitch Strategy (PPS) and / or the Infrastructure Delivery Plan (IDP), rather than through the use of the Council's quantity requirement approach (as per Table 2) in isolation. Therefore, contributions for Outdoor Sport Space will only be sought where there is a deficiency in provision, and a suitable CIL compliant infrastructure project identified within the Borough, as per the Council's PPS and / or IDP.
- 4.48 The Council's PPG17 – Open Space, Sport and Recreational Facilities Study (2009), formed the basis for the Council's Annual Open Space Audit (updated regularly, most recently in 2018). This Open Space Audit assesses the provision of open spaces in

the Borough, identifying where differing typologies are deficient and / or in surplus supply. All areas of open space, sports and recreational facilities will be protected, retained and enhanced, including those set out within the New Local Plan. The Borough's Annual Open Space Audit is used to inform where on or off-site developer contributions are required and are to be focused to meet identified deficiencies and to deliver relevant infrastructure projects, as highlighted in the Council's PPS and IDP.

- 4.49 As illustrated below in Table 2, the Borough's formula for seeking open space contributions will be sought from all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) to address open space quantity and access requirements moving forward.

Table 2: Typologies of open spaces in the Borough

Typology of Open Space	Local Quantity Requirement	Provision per dwelling (sqm)
<p>Outdoor Sports Space These include seasonal and fixed sports spaces that are openly accessible to the public including sports pitches for cricket, football and rugby. They also include fixed sports spaces such as tennis courts and bowling greens. Very often these facilities are located within Parks or Recreation Grounds, and as such, many of the facilities, especially sports pitches are multi-functional. This means they can be used for sport one day, and for the rest of the week function as a space to walk and play.</p>	<p>1.0 ha / 1,000 ppl Projects in the Borough identified in the PPS and / or IDP</p>	<p>23.86</p>
<p>Children and Young People's Space Equipped children's space (for pre-teens); and, provision for teenagers. The latter comprises informal recreation opportunities for, broadly, the 13 to 16/17 age group, which might include facilities like skateboard parks, basketball courts and 'free access' Multi Use Games Areas (MUGAs). In practice, there will always be some blurring around the edges in terms of younger children using equipment aimed for older persons and vice-versa. Fields in Trust, formerly the National Playing Fields Association (NPFA), break down children and young person's playing space into three categories: Local Areas for Play (LAPs); Local Equipped Areas for Play (LEAPs); and Neighbourhood Equipped Areas for Play (NEAPs).</p>	<p>0.3 ha / 1,000 ppl</p>	<p>7.16</p>
<p>Parks and Recreation Grounds All sites including recreation grounds, parks and formal gardens have been placed under a single classification called Parks and Recreation Grounds. They take on many forms and may embrace a wide range of functions including: informal recreation and outdoor space; play space of many kinds (including for sport and children's play); providing attractive walks to work; offering landscape and amenity features; areas of formal planting; providing areas for 'events'; and, providing habitats for wildlife.</p>	<p>0.5 ha / 1,000 ppl</p>	<p>11.93</p>

Delivering well designed open spaces

- 4.50 In accordance with the Open Space, Sport and Recreation Facilities Policy in the New Local Plan, good landscaping and design as part of any area of open space, sport and recreation can significantly enhance the experience of those using the facility, as well as encouraging activity in peoples everyday lives, following the principles of '[Active Design](#)' by Sport England. Appropriate landscaping can also contribute to the nature and biodiversity value of the Borough if new facilities are designed sensitively. It should be noted that for developments situated within the town centre boundary of Wigston and district centre boundaries of Oadby and / or South Wigston, contributions sought for Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) will be directed towards relevant, CIL compliant Public Realm schemes that have been identified within the Council's Infrastructure Delivery Plan (IDP).
- 4.51 Landscaping schemes should be considered as part of the overall design of the area of play and open space to ensure planning becomes an integral part of the scheme. A range of plant species should be chosen to provide interest throughout the year. Consideration should be given to providing a mix of colour, texture and smell. Planting should be designed so as to provide adequate shelter, but also allow good surveillance of the facility from neighbouring pedestrian routes and buildings. For open space that will be delivered on-site, details of planting schemes should be submitted to the Borough Council for approval prior to development commencing.

Play and Sporting Equipment

- 4.52 The design of all signage, street furniture (and other associated public realm) and play equipment within open spaces should be approved by the Council in all instances. Other hard landscaping features and materials should be sourced by the applicant or developer, but details should be submitted and approved to the Borough Council prior to development commencing. The Council's Public Realm Guidance provides a useful insight into the detail of the requirements, but in the first instance, developers are also encouraged to liaise directly with the Case Officer.
- 4.53 Any play equipment and associated landscaping must comply with the relevant regulations current at the time of installation e.g. BS EN 1176 and BS EN 1177 and to provide an exciting, challenging and safe environment for the appropriate age group it is intended for. The Borough Council must agree the design and equipment which should be robust and easy to maintain.
- 4.54 The area will then be put onto a 12 month period of maintenance during which time the developer will be responsible for all maintenance including inspection of play equipment, litter and graffiti removal etc to the Borough Council's standard. After 12 months and before handing over to the Council, an independent post installation inspection should be carried out by a registered play inspector at the expense of the applicant or developer. Any defects should be remedied at the expense of the developer. Risk assessment for the play equipment will be required.

- 4.55 The Borough Council will be guided by the Fields in Trust, formerly National Playing Fields Association (NPFA), requirements for equipped play provision, as included in Table 3 below.

Table 3: LAP's, LEAP's and NEAP's

Equipped provision type	Age-group	Minimum size of activity area	Buffer Zones
Local Area for Play (LAP) (fencing, furniture, path surfacing and signage)	Children	Minimum activity zone = 100 m ² (0.01 ha)	5 metres minimum separation between activity zone and the boundary of dwellings.
Local Equipped Area for Play (LEAP) (play equipment, fencing, furniture, path surfacing and signage)	Pre-teens	Minimum activity zone = 400 m ² (0.04 ha)	20 metres minimum separation between activity zone and the habitable room façade of dwellings.
Neighbourhood Equipped Area for Play (NEAP) (play equipment, MUGA, fencing, furniture, path surfacing and signage)	Older pre-teens and teens	Minimum activity zone = 1,000 m ² (0.1 ha) comprising of an area for play equipment and structures and a hard surfaced area of at least 465 sqm	30 metres minimum separation between activity zone and the boundary of dwellings.

Level of contributions

- 4.56 All schemes that necessitate open space provision will require the developer to maintain the area or pay for the maintenance costs incurred by the scheme for the first 20 years. Any contributions will be in the form of a commuted sum payment, which relates to the size and context of the site. In line with the Community Infrastructure Levy Regulations (2010), the open space provision must fairly relate to the scale of development and specifically relate to the growth that each new development creates.
- 4.57 The Council's method for calculating contributions takes into account the existing provision and future need for open space and a detailed breakdown of this calculation is included below.

Unit costs for off-site financial contributions

- 4.58 The costs of provision have been established by and are based upon the Borough Council's own information relating to providing and maintaining relevant typologies of open spaces.
- 4.59 The costs included in the Council's previously published Developer Contributions Supplementary Planning Document (2011) have not been reviewed since Quarter 4 in 2011. Since that time, the BCIS All-In Tender Price Index has risen by approximately 40.80 per cent from 223 (Q4, 2011) to 314 (Q2, 2018). Therefore, the increase in contributions to be sought from new development in this Borough will now be based upon up to date costs, in accordance with the Council's Grounds

Maintenance Supervisor's records of capital and maintenance costs, together with the Building Cost Information Service (BCIS) All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture.

4.60 Table 4 details capital and maintenance costs for the three typologies illustrated in Table 2. These have been identified to ensure that a comprehensive approach to identifying necessary costs is taken to deliver quality open spaces in the Borough of Oadby and Wigston in circumstances where off-site developer contributions are being sought from qualifying developments. (All figures are in £'s unless otherwise stated):

A – Outdoor Sports Space

B – Children and Young People's Space

C – Parks and Recreation Grounds Space

D – Maintenance of Outdoor Sports Space

E – Maintenance of Children and Young People's Space

F – Maintenance of Parks and Recreation Grounds Space

Table 4: Off-Site Financial Contribution Unit Costs

	2018
A – Outdoor Sports Space Requirement – Cost per hectare for establishment	
<i>Please note that should land drainage measures be deemed appropriate then the cost for doing this would need to be calculated on a site by site basis.</i>	
1 Football pitch including cultivation (7200m ²)	11,264
1 Multi Use Games Area (MUGA) (800m ²)	84,480
1 Supply and install youth shelter Inc. hard standing	12,249.60
Grass surround (2,000m ²)	3,872
Supply and install Litter Bin x 3	1,406.59
Total per hectare	113,272.19
Cost per m ²	11.32
B – Children and Young People’s Space Requirement – establishment of 400m² play area (LEAP standard)	
LEAP Standard 400m ² Play Space (including minimum of 5 items of play equipment, safety surfacing, grassed area and safety surfacing)	84,480
Dog proof fencing and gates 100lm	11,968
Supply and install Litter Bin x 1	468.86
Supply and install Dog Bin x 1	268.93
Supply and install (OWBC) Bench x1	915.20
Total for 400m ²	98,100.99
Cost per m ²	245.25
C – Parks and Recreation Grounds Space Requirement – establishment of 1 hectare	
Hard surface/pathways 800, x 1.2m = 960 linear m	68,710.40
Establishment of grass 9,000m ²	9,504
Plant trees - 10 heavy standards	1,689.60
Plant trees - 50 whips	119.68
Shrub planting 100m ²	2,189.44
Supply and install OWBC Benches x 3	2,745.60
Supply and install Litter Bin x 3	1,406.59
Supply and install Dog Bin x 1	1,075.71
Total per hectare	87,441.02
Cost per m ²	8.74
D – Maintenance of Outdoor Sports Space Requirement – cost per hectare	
Cutting of pitch	422.40
Additional maintenance (e.g. Fertilizer, harrow etc)	844.80
Multi Use Games Area (MUGA)	704
Teenage shelter	70.80
Grass surround – cutting	281.60
Litter collection and emptying (3 bins)	506.88

	2018
Weekly litter picking	563.20
Sweeping of hard surfaces	352
Total per annum	3,745.68
Total over 20 years	74,913.60
Total over 20 years per m ²	7.49
E – Maintenance of Children and Young People’s Space Requirement – cost per 400m²	
Grass cutting	704
Risk Assessment Annual	211.20
Quarterly Check	211.20
Weekly inspection of LEAP	844.80
Maintenance of equipment – 5 pieces at £250 each	1,760
Fence / bench / bin maintenance	211.20
Litter / Dog bin collection and emptying (2 bins)	337.92
Weekly litter picking	281.60
Total per annum (400m ²)	4,561.92
Total over 20 years (400m ²)	91,238.40
Total over 20 years per m ²	228.09
F – Maintenance of Parks and Recreation Grounds Space Requirement – cost per hectare	
Hard surface cleaning	140.80
Grass cutting - 7,000 gang	394.24
Grass cutting - 2,000 pedestrian	2,252.80
Litter / Dog bin collection and emptying (4 bins)	675.84
Weekly litter picking	563.30
Sweeping of hard surfaces	352
Shrub bed maintenance	528
Bench / bin maintenance	168.96
Total per annum	5,075.94
Total over 20 years	101,518.80
Total over 20 years per m ²	10.15

Calculation of financial contribution in lieu of on-site provision

- 4.61 The following formula indicates how financial contributions in lieu of on-site open space are calculated. If an element of open space is provided on site, this is discounted from the overall sum.
- 4.62 For qualifying new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), developers will be required to meet the following:

- Each dwelling requires the equivalent provision of 23.86m² of Outdoor Sports Space.
- Each dwelling requires the equivalent provision of 7.16m² of Children and Young People's Space.
- Each dwelling requires the equivalent provision of 11.93m² of Park and Recreation Ground Space.

4.63 Refer to paragraph 4.73 under Open Space Quantity per Dwelling for an explanation of the above square metre provisions.

4.64 The categories of financial contributions listed below (A-F) correspond with those indicated in the costs shown in Table 4 above:

A Number of proposed dwellings x 23.86 (total square metre area of Outdoor Sports Space required per dwelling) x 11.32 (area cost per square metre) = total Outdoor Sports Space contributions

B Number of proposed dwellings x 7.16 (area of Children and Young People's Space per dwelling) x 245.25 (area cost per square metre) = total contribution towards Children and Young People's Space

C Number of proposed dwellings x 11.93 (area of Parks and Recreation Grounds Space per dwelling) x 8.74 (area cost per square metre) = total contribution towards Parks and Recreation Grounds Space

D Number of proposed dwellings x 23.86 (total square metre area of Outdoor Sports Space required per dwelling) x 7.49 (20 year maintenance cost per square metre) = total maintenance contribution for Outdoor Sports Space

E Number of proposed dwellings x 7.16 (area of Children and Young People's Space per dwelling) x 228.09 (20 year maintenance cost per square metre) = total maintenance contribution for Children and Young People's Space

F Number of proposed dwellings x 11.93 (area of Parks and Recreation Grounds Space per dwelling) x 10.15 (20 year maintenance cost per square metre) = total maintenance contributions for Parks and Recreation Grounds Space

4.65 Total financial contributions required per dwelling where no on site provision is proposed = **A+B+C+D+E+F**. The maximum sum required is **£4,063.28 per dwelling** in lieu of on-site open space provision.

Circumstances when contributions will be discounted or not sought

4.66 For category B (Children and Young People's Space) and category E (Maintenance of Children and Young Person's Space), there are circumstances where discounts are applied. Table 5 illustrates the discounts. Discounts are applied as the Council is aware that smaller dwellings are (in general) less likely to impact the Children and Young Peoples Space typology.

- 1 Bed / Studio – 100% discount
- 2 Bed – 50% discount
- 3+ Bed – 0% discount

Table 5: Category B and E contribution per new dwelling

	0% Discount (Full Contribution)	50% Contribution for B & E (50% Discount Incorporated)	0% Contribution for B & E (100% Discount Incorporated)
3+ Bed Dwelling	£3,389.11		
2 Bed Dwelling		£1,694.56*	
1 Bed Dwelling			£0.00

** This figure has been subject to rounding*

- 4.67 Contributions for category A and D (Outdoor Sport Space) will only be sought where there is a suitable CIL compliant infrastructure project identified within the Borough, as per the Council's Playing Pitch Strategy (PPS) and / or Infrastructure Delivery Plan (IDP). In circumstances when there are no CIL compliant Outdoor Sports Space infrastructure projects identified within Borough, category A and D will be discounted from any calculations for off-site contributions.
- 4.68 Therefore, every new dwelling (on developments of 11 or more dwellings and above 1,000 sqm gross internal area) built in the Borough will be expected to contribute (unless discounts apply) the following:
- A – Outdoor Sports Space
 - B – Children and Young People's Space
 - C – Parks and Recreation Grounds Space
 - D – Maintenance of Outdoor Sports Space
 - E – Maintenance of Children and Young People's Space
 - F – Maintenance of Parks and Recreation Grounds Space

Table 6: Off-Site Contribution Values per Typology of Open Space, per Dwelling

Open Space Typology	Contribution (£)
	2018
A – 100% Contribution	270.10
A – 0% Contribution	0.00
B – 100% Contribution (3+ Bed Dwellings)	1,755.99
B – 50% Contribution (2 Bed Dwellings)	878.00*
B – 0% Contribution (1 Bed / Studio Dwellings)	0.00
C – 100% Contribution	104.27
C – 0% Contribution	0.00
D – 100% Contribution	178.71
D – 0% Contribution	0.00
E – 100% Contribution (3+ Bed Dwellings)	1,633.12
E – 50% Contribution (2 Bed Dwellings)	816.56
E – 0% Contribution (1 Bed / Studio Dwellings)	0.00
F – 100% Contribution	121.09
F – 0% Contribution	0.00
TOTAL (100% Contribution)	4,063.28
A + D – 100% Contribution	448.81
A + D – 0% Contribution	0.00
B + E – 100% Contribution (3+ Bed Dwellings)	3,389.11
B + E – 50% Contribution (2 Bed Dwellings)	1,694.56*
B + E – 0% Contribution (1 Bed / Studio Dwellings)	0.00
C + F – 100% Contribution	225.36
C + F – 0% Contribution	0.00

* This figure has been subject to rounding

- 4.69 For every new 3+ bedroom dwelling, where no discounts apply, there will be a maximum total contribution of **£4,063.28 per dwelling** sought to contribute towards Open Space, Sport and Recreation Facilities (Incorporating Green Infrastructure) in the Borough.
- 4.70 This contribution reflects the capital and revenue costs to deliver and maintain open space infrastructure, based upon the Borough's estimated population, total number of dwellings and the required open space per dwelling, per typology.

Summary of Provision of Open Space by Ward and Typology

- 4.71 Contributions for each typology of open space will only be sought when there is an identified under supply of that typology of open space in the ward where the new development is taking place. Should there be sufficient supply of a typology of open space, then that typology will be discounted from any calculations for an off-site contribution from a new development.
- 4.72 Table 7 Surplus / Deficient – Ward by Ward, Annual Open Space Audit (2018) reflects the most up to date situation in the Borough for each typology of open space sought. Reflecting Table 7, Appendix 2 illustrates the off-site financial contributions expected, based upon the specific dwelling size, on a ward by ward basis.

Table 7: Surplus / Deficient – Ward by Ward, Annual Open Space Audit (2018)

Sufficient supply
Under supply

Ward	Outdoor Sports Space (A + D)	Children & Young People's Space (B + E)	Parks & Recreation Grounds (C + F)
Oadby Grange	Identify project in PPS and / or IDP		
Oadby Uplands	Identify project in PPS and / or IDP		
Oadby St Peters	Identify project in PPS and / or IDP		
Oadby Woodlands	Identify project in PPS and / or IDP		
Oadby Brocks Hill	Identify project in PPS and / or IDP		
Wigston Meadowcourt	Identify project in PPS and / or IDP		
Wigston Fields	Identify project in PPS and / or IDP		
Wigston St. Wolstans	Identify project in PPS and / or IDP		
Wigston All Saints	Identify project in PPS and / or IDP		
South Wigston	Identify project in PPS and / or IDP		

Annual Open Space Audit, 2018

Open Space Quantity Requirement per New Dwelling

- 4.73 The open space quantity per new dwelling is calculated using the following formulae and will be kept up to date each time this SPD is reviewed. Since 2011, the required space per dwelling has reduced in all three typologies as a result of National population projections re-basing the Borough's estimated population.

Open Space Quantity Requirement per New Dwelling

(A x B) / C x D

Where:

- A** Total Borough population / 1,000
- B** PPG17 / Open Space Review requirement (hectares)
- C** Total number of dwellings in the Borough
- D** 10,000

1,000 is the constant population used when calculating the PPG17 Requirement (hectare) per population (as prescribed within the Borough's PPG17 Play, Open Space, Sport and Recreation Facilities Study). 10,000 is the constant used to convert Hectares to Square Metres.

Outdoor Sports Space

Outdoor Sports Spaces require a provision of 1 hectare per 1,000 population. The Borough has a total population of 55,749⁷, with a total number of 23,368⁸ dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 10,000$$

$$55.749 / 23,368 \times 10,000 = 23.856$$

= **23.86** square metres of Outdoor Sports Space requirement per dwelling.

Children and Young People's Space

Children and Young People's Space require a provision of 0.3 hectares per 1,000 population. The Borough has a total population of 55,749, with a total number of 23,368 dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 3,000$$

$$55.749 / 23,368 \times 3,000 = 7.156$$

= **7.16** square metres of Children and Young People's Space requirement per dwelling.

Parks and Recreation Grounds

Parks and Recreation Grounds require a provision of 0.5 hectares per 1,000 population. The Borough has a total population of 55,749, with a total number of 23,368 dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 5,000$$

$$55.749 / 23,368 \times 5,000 = 11.928$$

= **11.93** square metres of Parks and Recreation Grounds requirement per dwelling.

⁷ ONS, Sub National Population Projections – Local Authorities: SNPP Z1 (released 24th May 2018)

⁸ DELTA, Housing Flows Reconciliation (HFR), 2018

PUBLIC REALM

- 4.74 Public realm relates to both the publicly and privately owned spaces between buildings and structures that are part of the built and/or natural environment that are open and freely accessed by the public. Public realm also provides the context and setting for existing and new development. It includes hard and soft surfacing materials, street furniture (including public art, lighting, benches, litter bins), traffic and pedestrian signage, way finding and control, trees, and landscaping. For a full definition of public realm see the Borough Council's Public Realm Guidance.
- 4.75 Public realm can play an important role in enhancing the quality and character of the built and natural environment, enriching the area and improving the spaces within which people live their lives.
- 4.76 Proposals for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) will be expected to contribute towards public realm in accordance with the Public Realm Policy of the Local Plan. Other relevant policies in the Local Plan include Improving Health and Wellbeing; High Quality Design and Materials; Cultural and Historic Environment Assets; Development in Conservation Areas; Landscape and Character; and, Infrastructure and Developer Contributions.
- 4.75 One of the core principles of the National Planning Policy Framework (NPPF) is to provide healthy, inclusive and safe places which deliver high quality public spaces and encourage active and continual use for all. It also advocates planning policies, decisions and strategies aimed at improving health, social and cultural well-being for all sections of the community.
- 4.76 The Public Realm Policy in the Local Plan states that *'all proposals for large scale development and / or change must incorporate high quality public realm on-site and / or contribute towards public realm improvements off site. All proposals that propose new public realm or impact upon the existing public realm must ensure that the pedestrian is prioritised over other modes of transport and that materials and design are of the highest standards'*.

Level of contributions

- 4.77 Therefore, contributions will be sought towards the creation and / or enhancement of the public realm in the vicinity of all major new developments where the proposed scheme(s) will have a direct relationship with an identified public realm improvement project included within the Council's Infrastructure Delivery Plan, which is a 'live' document and therefore updated regularly.
- 4.78 The scale of the contributions sought will reflect the character and scope of the works required and will therefore be negotiated on a case-by-case basis. It should be noted that for developments situated within the town centre boundary of Wigston and district centre boundaries of Oadby and / or South Wigston, contributions sought for Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) will be directed towards relevant, CIL compliant Public Realm schemes that have been identified within the Council's Infrastructure Delivery Plan (IDP).

APPENDIX 1:

COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE CHECKLIST FORM

For all Section 106 Legal Agreements, this form is to be completed by all signatory and non-signatory providers to demonstrate that the three CIL Tests as detailed below have been met and that asking for each Planning Obligation is justified.

The three CIL Tests, as per Regulation 122(2), that must be satisfied are:

- 1) Is the obligation necessary to make the development acceptable in planning terms?
- 2) Is the obligation directly related to the development?
- 3) Is the obligation fairly and reasonably related in scale and kind to the development?

A separate form must be completed for each individual Planning Obligation sought.

This form should be completed and returned to Oadby and Wigston Borough Council when seeking a Planning Obligation from a qualifying development within the Borough.

Upon receipt of the form, Oadby and Wigston Borough Council's Section 106 Working Group and the Council's Senior Management Team (SMT) must be satisfied that the CIL Tests have been met and that adequate justification has been given.

For any Planning Obligation where Oadby and Wigston Borough Council is not satisfied that all three CIL Tests have been met or where the justification is insufficient, the Case Officer will work with the relevant service provider to see if the request can be made CIL compliant.

In the event that a Planning Obligation sought is deemed to not comply with all three of the CIL Tests and evidence cannot be provided to make the obligation compliant, the Council will not be able to include the Planning Obligation in the relevant Section 106 Agreement in relation to the new development proposal.

COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE CHECKLIST FORM

Site Address		
Planning Application Number		
Organisation Name		
Obligation Title		
CIL Test	Yes / No	Justification for Meeting CIL Test
1) Is the obligation necessary to make the development acceptable in planning terms?		
2) Is the obligation directly related to the development?		
3) Is the obligation fairly and reasonably related in scale and kind to the development?		
<p><u>TO BE COMPLETED BY OADBY AND WIGSTON BOROUGH COUNCIL ONLY:</u> ALL APPROVED OBLIGATIONS SOUGHT MUST BE AGREED AND SIGNED OFF BY OADBY AND WIGSTON BOROUGH COUNCIL'S SECTION 106 WORKING GROUP AND SENIOR MANAGEMENT TEAM</p>		
OWBC S106 Working Group		OWBC Senior Management Team (SMT)
Name:		Name:
Job Title:		Job Title:
Initials:		Initials:
Date:		Date:

APPENDIX 2:

WARD BY WARD OPEN SPACE, SPORT AND RECREATION FACILITIES (INCORPORATING GREEN INFRASTRUCTURE) CONTRIBUTIONS PER DWELLING (BASED UPON NUMBER OF BEDROOMS)

The following table illustrates the maximum off-site financial contribution per dwelling that the Council will seek from qualifying new development schemes in each Ward of the Borough in relation to Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure).

Ward Name	1 Bed Units	2 Bed Units	3+ Bed Units
Oadby Grange (A+D) + (B+E)	£448.81	£2,143.37	3,837.92
Oadby Uplands (A+D) + (B+E) + (C+F)	£674.17	£2,368.73	£4,063.28
Oadby St Peters (A+D) + (B+E) + (C+F)	£674.17	£2,368.73	£4,063.28
Oadby Woodlands (A+D) + (B+E) + (C+F)	£674.17	£2,368.73	£4,063.28
Oadby Brocks Hill (A+D) + (B+E)	£448.81	£2,143.37	3,837.92
Wigston Meadowcourt (A+D) + (B+E) + (C+F)	£674.17	£2,368.73	£4,063.28
Wigston Fields (A+D) + (B+E)	£448.81	£2,143.37	3,837.92
Wigston St. Wolstans (A+D) + (B+E) + (C+F)	£674.17	£2,368.73	£4,063.28
Wigston All Saints (A+D) + (B+E)	£448.81	£2,143.37	3,837.92
South Wigston (A+D) + (B+E)	£448.81	£2,143.37	3,837.92

In any instances of when there is not a suitable identified Outdoor Sports Space infrastructure project identified in the Council's Playing Pitch Strategy and / or the Infrastructure Delivery Plan, then A and D will be discounted from the financial contributions sought per dwelling.

Conservation Areas Supplementary Planning Document

Adopted Document

April 2019



Contents

Chapter 1	Introduction	page 2
Part A – General Conservation Area Guidance		Page 5
Chapter 2	Planning submissions in a conservation area	page 6
Chapter 3	Demolition in a conservation area	page 7
Chapter 4	Alterations and extensions in a conservation area	page 8
Chapter 5	Works to Listed buildings	page 9
Chapter 6	Works to Locally Listed buildings	page 10
Chapter 7	Proposals affecting the setting of a conservation area	page 11
Part B – Conservation Area Specific Guidance		page 12
Chapter 8	All Saints Conservation Area Guidance	page 13
Chapter 9	London Road and Saint Peters Church Conservation Area Guidance	page 17
Chapter 10	Midland Cottages Conservation Area Guidance	page 23
Chapter 11	North Memorial Homes and Framework Knitters Cottages Conservation Area Guidance	page 28
Chapter 12	Oadby Court Conservation Area Guidance	page 32
Chapter 13	Oadby Hill Top and Meadowcourt Conservation Area Guidance	page 36
Chapter 14	South Wigston Conservation Area Guidance	page 42
Chapter 15	Spa Lane Conservation Area Guidance	page 48
Chapter 16	The Lanes Conservation Area Guidance	page 52
Chapter 17	Implementation and monitoring of this supplementary planning document	page 60

1. Introduction

Definition of a Conservation Area

- 1.1 Conservation Areas are defined in the Planning (Listed Buildings and Conservation Area) Act 1990 as *'an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*. When considering the designation of conservation areas, the National Planning Policy Framework states that local planning authorities must ensure that an area justifies such status and that the concept of conservation is not devalued through the designation of areas that lack special interest. Conservation Area designation recognises the unique quality of an area as a whole.
- 1.2 The character of a Conservation Area is often the product of various elements such as the mixture and style of buildings, the extent and form of open spaces and other natural elements such as trees and hedges.
- 1.3 When a conservation area is designated, it increases the Council's preservation controls, with planning applications judged by their impact on the character and appearance of the area. Greater controls over the demolition of buildings and structures are imposed, whilst the rights which owners have to do works to their properties without planning permission (known as 'permitted development rights') is reduced or can be taken away. Stricter controls are also exercised over the design of new buildings, and owners must give the Council six weeks' notice of their intention to carry out works to trees. Planning applications affecting a Conservation Area must be advertised on site and in the local press to give people opportunity to comment.

Planning Policy Context

- 1.4 This section sets out the relevant national and local planning guidance which relate to this Supplementary Planning Document.
- 1.5 The National Planning Policy Framework makes the following statements regarding Conservation Areas:

'When considering the designation of Conservation areas, Local Planning Authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

'Not all elements of a Conservation Area or World Heritage Sites will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Sites should be treated either as substantial harm under paragraph 195 or less than

substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Sites as a whole.'

- 1.6 National Planning Practice Guidance (NPPG), in its definition of a conservation area, is consistent with that set out within the Planning (Listed Buildings and Conservation Area) Act 1990. NPPG states that a conservation area is an area *'which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*.
- 1.7 The Council's Local Plan sets out a specific local policy relating to development within conservation areas, Policy 41 Development in Conservation Areas. This document will supplement Policy 41. In addition to Policy 41 the Local Plan sets out number of other policies that could also influence development within conservation areas. The relevant policies are as follows:
- Policy 6: High Quality Design and Materials.
 - Policy 10: Public Realm.
 - Policy 11: Housing Choices.
 - Policy 15; Urban Infill Development.
 - Policy 32: Shop Fronts.
 - Policy 33: Security Shutters.
 - Policy 40: Culture and Historic Environment Assets.
 - Policy 44: Landscape and Character.
- 1.8 Conservation Area Appraisals including Development Control Guidance have been produced for each of the Borough's nine Conservation Areas. The Development Control Guidance statements have been brought together within this Supplementary Planning Document. The relevant Conservation Area Appraisal must be read in conjunction with this Supplementary Planning Document.

Aims of the Supplementary Planning Document

- 1.9 The objectives of the Supplementary Planning Document are as follows:
- To assess and define opportunities and threats within the Conservation Areas; and
 - To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that those opportunities to enhance the character and appearance are maximised.

Structure of document

- 1.10 Part A of the document sets out generic development control guidance which applies to all Conservation Areas within the Borough.
- 1.11 Each Conservation Area has its own individual and unique character; therefore Part B sets out management tools relating specifically to each Conservation Area so that proposals can be considered against this guidance.

1.12 Once adopted this Supplementary Planning Document will supersede any existing related Development Control Guidance documents.

Part A

General Conservation Area Guidance

2. Planning submissions in a conservation area

Outline planning submissions

- 2.1 Outline submissions for development within a Conservation Area will not be accepted unless they contain sufficient supporting information by which the impact of the proposed development on the character and appearance of the Conservation Area can be judged.
- 2.2 On major development sites this may include a masterplan supported by detailed design codes or statements to demonstrate the form which new buildings will take.

Full planning submissions

- 2.3 As required by the nation Planning Policy Framework, these will need to include sufficient detail by which the full impact of the proposals on the character and appearance of the area can be judged. This will need to include consideration of the issues raised in the accompanying Conservation Area Appraisals (especially the 'Key Characteristics' Section) and a Design and Access Statement which clearly sets out how the proposal is felt to preserve or enhance the character and appearance of the area.

Listed Building consent

- 2.4 This is required for any works which would affect the character as a building of special architectural or historic interest of the interior or exterior of any Listed Building and any building constructed before 1 July 1948 which stands within its curtilage. Applications must include a statement which demonstrates an understanding of the aspects of the building to be affected, describes why the work is needed, explains why any alternative options were discounted and considers how the damage to any historic fabric will be minimised.
- 2.6 Where a building is to be replaced by a new structure, consideration of how the building will contribute to the character and appearance of the area will need to be included in the Design and Access Statement which accompanies any planning submission.

3. Demolition in a conservation area

- 3.1 Buildings situated within a Conservation Area, and / or buildings that are nationally Listed (including their outbuildings and lodges) and / or buildings that are Locally Listed have a general presumption in favour of retention and preservation. Local Plan Policy 41 Development in Conservation Areas gives further information and policy guidance relating to demolition in Conservation Areas.
- 3.2 The demolition of such buildings will only be approved where proposals conform to relevant policies set out within the Council's Local Plan.
- 3.3 The demolition of unsympathetic extensions to buildings will be approved provided that the intention is to return the building to its original state, or where any replacement extension will better respect the special architectural or historic interest of the building.
- 3.4 The demolition of other buildings (and boundary walls over 1 metre high fronting public highways) will be approved where proposals conform to relevant policies set out within the Council's Local Plan.

4. Alterations and extensions within a conservation area

4.1 Alterations and extensions should normally be confined to the rear or least important elevations unless the result would sustain or improve the architectural character of the building in its setting. Planning permission will be granted for proposals which:

- respect the prominent building line;
- do not destroy symmetry of balanced elevations or groups;
- do not lead to terracing (excluding South Wigston Conservation Area and other areas where terracing is the prevalent feature);
- do not interfere with key architectural features of the composition;
- are subordinate and appropriate to the form of the main building and either of the same materials as the main building or provide an appropriate contrast;
- serve to reinstate missing traditional features, such as doors, windows, front porches and other decorative features;
- use traditional and, where appropriate, reclaimed or recycled building materials; and
- explore the opportunity to implement energy efficiency measures.

4.2 Specific guidance on alterations and extensions is provided within this document.

5. Works to Listed buildings

- 5.1 Works which affect the special architectural or historic interest of a Listed Building require Listed Building Consent. This applies to works to the main building, any outbuildings or boundaries (built before 1 July 1948) and the interior of any building. The acceptability of works to Listed Buildings is governed by relevant local and national planning policy.
- 5.2 Additional guidance is provided within this document.

6. Works to Locally Listed buildings

- 6.1 The buildings identified as Locally Listed Buildings in the Councils Local Plan make a positive contribution to the character and appearance of the Borough, (or area in which they are situated). In order to protect these properties and their boundaries from unsympathetic alterations, consideration will be given to making Directions under, Article 4.
- 6.2 'Article 4 Directions' effectively remove a householders permitted development rights. The types of development which might be controlled would include but is not limited to:
- painting, cladding or rendering of building facades;
 - insertion or replacement of doors and windows;
 - removal or replacement of boundary walls and fences; and
 - alteration of roof profiles and replacement of roofing materials.

7. Proposals affecting the setting of a conservation area

- 7.1 Development will not be permitted which, although not within the Conservation Area, will have an adverse effect upon the area's special character or appearance, including intruding into any significant vista or view into, out of, within or across the area which is identified as being of significance.
- 7.2 Any future development of sites adjacent to a conservation area should have special regard to the special character identified within the accompanying conservation area appraisal. Particular attention should be given to the design, layout and massing of new buildings their relationship to the Conservation Area, the impact on car parking and landscape proposals.

Part B

Conservation Area Specific Guidance

8. All Saints Conservation Area Guidance

Background

- 8.1 The Wigston All Saints Conservation Area was first designated in 1977. Changes were made to the Conservation Area Boundary in January 2007 following a Conservation Area Appraisal. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 8.2 This area formed the southern core of Wigston Magna village and includes some of the most historically and architecturally significant buildings in the Borough. The survival of these traditional properties in this area provides an indication of the original character of the village of Wigston Magna before it became an urban town.
- 8.3 This southern core is centred around the Church of All Saints which formed one of the 'Two Steeples' of 'Wigston Magna District of Two- Steeples' as the settlement came to be known by 1529. It is very much the focal point of the Conservation Area and is an important local feature.
- 8.4 Newgate End retains a village like feel with its attractive group of older vernacular properties. This contrasts with the more mixed development of mostly later nineteenth or twentieth century development that has occurred along Moat Street and Bushloe End.
- 8.5 It is a predominantly residential area, but fragments of Wigston's hosiery industry remain in Bushloe End and Moat Street with the survival of framework knitter's buildings and workshops. The Framework Knitters Museum in Bushloe End is an important local attraction.
- 8.6 The area is located at the south-western corner of the old rectangular village centre that contains 'The Lanes' a system of footpaths that connects the two cores of the original village of Wigston Magna.

Protection of open spaces

- 8.7 The area is focused on the junction of Newgate End and Moat Street where the largely fourteenth century All Saints Church (Grade I) forms a local feature. The quiet back water of Newgate End, with its older vernacular brick properties, some of which retain their large curtilages, gives some indication of the original character of the village. However, much of the frontage to Moat Street and Bushloe End which would once have displayed a similar character has been infilled during the nineteenth and twentieth centuries. The curtilage of the Manor House extends westwards to Launceston Road where it forms part of the western boundary of the Conservation Area. The survival of this orchard together with the substantial trees which have been retained around the more modern building of the Menphys Centre and Pochin's Close contributes to the semi-rural character of the Conservation Area as seen from Launceston Road and this area forms a significant urban open space.

- The Council will resist proposals for the development of the area of orchard adjoining the Manor House.

8.8 Numbers 42-44 Bushloe End are Grade II* listed buildings. The eighteenth century cottage and the framework knitting workshop to the rear were occupied by a Master Hosier and illustrate the character of Wigston's industrial past. The buildings and their contents, which have survived unchanged since before the First World War, are now preserved as the Framework Knitter's Museum.

- The Council will seek to enhance the setting of the Framework Knitters Museum. Development which would detract from the special character and the setting of the Grade II* Listed Buildings will not be permitted.

8.9 Gas Lane has an informal and rural feel which is created by the combination of hedges and trees which enclose it, and the unmetalled surface of the lane itself. It is important that this 'rural' feel is retained.

- The Council will work with and ensure that the Leicestershire County Council Highways Authority and other statutory undertakers utilise appropriate surfacing materials in the area.

The design of new buildings

8.10 There are very few potential development sites in the Conservation Area. The remaining possible sites include, the Menphys Centre, Birkett House and the rear of the British Legion building. Proposals for the development within the curtilage of the Manor House and number 10 Newgate End or on the corner green space on Bushloe End and Launceston Road will not be permitted.

8.11 To be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass, form and scale to complement the mainly two storey residential properties;
- respecting any well-defined building lines;
- having interesting roof forms and producing an interesting skyline silhouette;
- using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast;
- respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street;
- creating positive street corners with active frontages on all elevations; and
- providing a Design and Access Statement as part of a Planning Submission which sets out the rationale behind the design of the buildings.

8.12 Infill development will need to comply to all relevant planning policy and should respond to the prevailing local character and quality of the surrounding townscape. The design of any proposed infill development should respond to:

- established building and boundary lines and the local scale of development;
- prevailing overall heights, storey heights and the massing of adjacent buildings;

- characteristic frontage or plot widths;
- roof profiles and silhouettes of adjoining buildings;
- colour, type, source and texture of facing, roofing and paving materials;
- distinctive forms or architectural detailing prevalent in the immediate area;
- average dwelling size and net residential densities; and
- existence of set piece or otherwise unified architectural compositions or significant building groups.

8.13 High standards of energy efficiency will also be encouraged in new buildings and the possibility of on-site generation of energy from renewable sources should be explored. The visual impacts on the Conservation Area, however, must be carefully considered and any energy efficiency/generation measures must not adversely affect the character or appearance of the Conservation Area.

Enhancement opportunities

8.14 The removal of on street parking bays from the Newgate End entrance to Birkett Head School would vastly improve the general setting of All Saints Church.

8.15 The single storey wing of the British Legion complex on the corner of Bushloe End and Launceston Road is a weak structure and its improvement would be encouraged. Redevelopment of this wing in a style more sympathetic to the existing Georgian building would dramatically enhance the corner. The car park to the rear could also be enhanced through planting and screening schemes that would minimise the impact to the relevant streetscapes and would complement the attractive green spaces on the opposite side of the road. Improvement of the Georgian building façade would be encouraged.

8.16 Similarly the parking and garden areas to the two public houses, The Plough and The Old Crown, could be improved either by further hard landscaping and / or the addition of soft landscaping.

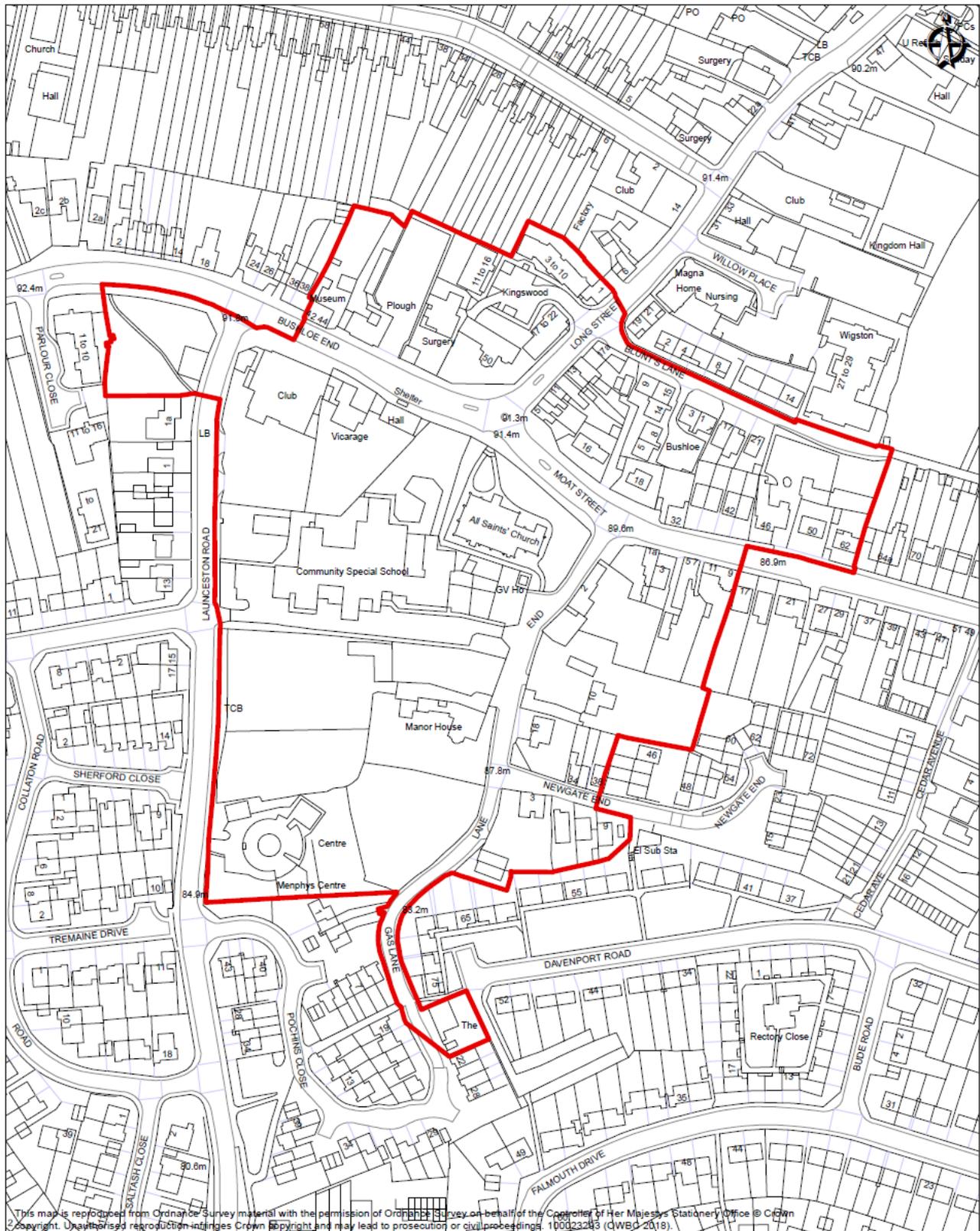
8.17 The pavements along Newgate End are attractively edged with historic stone. However the pavement surfacing consists of tarmac which has been repeatedly patched. This adds a distinctively urban element to an area that has an historic rural feel. Resurfacing the pavements with a more appropriate material such as a bonded gravel would do much to improve the public realm in the area.

8.18 Although Gas Lanes informal and rural character is derived from its un-adopted feel, its unmetalled surface is liable to flooding and has a rather untidy appearance. Appropriate resurfacing works in an informal material would not only improve the appearance but would also improve the functionality of the lane.

8.19 The greenspace on the corner of Bushloe End and Launceston Road adds character to the area. However, the seating area on the Launceston Road side could be improved. This could be improved with refurbishing the benches or new benches and the addition of some planters.

8.20 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.

ALL SAINTS CONSERVATION AREA



9. London Road and Saint Peters Church Conservation Area Guidance

Background

- 9.1 The London Road and Saint Peters Church Conservation Area was first designated in 1988. Changes were made to the Conservation Area Boundary in March 2007 following a Conservation Area Appraisal. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 9.2 The area retains some of its village character with a mixture of uses preserving the appearance of its organic growth. The area is centred on the oldest remaining part of Oadby around St Peter's Church and stretches along London Road.
- 9.3 The linear character of the Conservation Area reflects the development of the original settlement along the road between Leicester and London with the village green to the southeast of St Peter's Church. Agriculture formed the basis of life in the village which was consequently surrounded by fields.
- 9.4 There is great variety in scale between buildings and as a result, the roofscape provides interest to views in and out of, and within the Conservation Area. Although most properties sit on the back of the footpath, the juxtaposition of scales adds diversity to the street scene. Part of the Conservation Area now comprises a Local Centre.
- 9.5 There are a handful of listed buildings scattered within the Conservation Area. These tend to be 2 storey houses which are grander than the other terraced properties in the area. The exception is the small row of cottages on London Road which is a surviving example of the type of dwelling in which artisans would have lived. There are also a number of Locally Listed Buildings.
- 9.6 The area is well represented with a selection of Baptist related buildings, the most prominent being the striking Baptist Church in London Road.
- 9.7 The village green has long since disappeared with the redevelopment of the village as its size and nature has become much more urban. The only clue to its existence is the orientation of two large houses, The Hermitage and The Nook, both of which used to overlook the green. Today the area is merely a car park and the area to the west of it was redeveloped in the twentieth century.
- 9.8 The key public green space in today's Oadby is the former driveway of The Elms, locally known as 'Chicken Alley'. This is now a public footpath which, for much of its length, is lined by vegetation and trees. The north-south leg, in particular, contains some of the most important trees in the area and contributes to the verdant southern part of the Conservation Area.
- 9.9 Saint Peter's Church is very much the centre point of the 'village' as it is located at the junction of the London and Wigston Roads and would have at one point

overlooked the village green. Its steeple is prominent in long views and the building itself forms a local landmark.

The design of new buildings

- 9.10 Within the London Road and Saint Peter's Conservation Area, new development or redevelopment schemes should be well related to the context of adjoining buildings and should preserve the mix of uses and range of building styles in order to retain the form and scale of the former village street scene.
- 9.11 The London Road and Saint Peter's Conservation Area Appraisal describes Oadby's 'grain', i.e. how the existing buildings relate to the street. The relevant Conservation Area Appraisal, 'Key Characteristics' summarises information such as building heights and line, materials, detailing, etc. Paying particular attention to the street in which the new building(s) will sit will establish appropriate design principles and ensure that new buildings will respect Oadby's existing character.
- 9.12 In order to be acceptable, the design of any new building will, therefore, need to:
- be of an appropriate mass and scale to maintain consistency of, or juxtaposition of, scales and to avoid dominating the smaller residential properties;
 - be of an appropriate form to sit comfortably with the mix of residential and commercial styles of the buildings in the area;
 - have pitched roof forms or produce an interesting skyline silhouette;
 - respect the well-defined building line and plot position;
 - use materials and detailing which follow on from the design principles which influenced the basic form of the building, i.e. which either reflect those found on traditional buildings in the area or, as part of a very high quality design approach, produce a successful contrast; and
 - provide a Design and Access Statement as part of a planning application which sets out the rationale behind the design of the building.

Change of use

- 9.13 Appropriate redevelopment and / or changes of use of existing premises to retail or commercial uses should take into account:
- the appearance of the building, which should be maintained without disfiguring extensions and alterations;
 - the survival of any elements of an original or appropriate shopfront which should be retained unless completely beyond repair;
 - the effect on the character of the street scene which should not be unduly altered;
 - the potential for restoring any important 'lost', altered or dilapidated architectural details;
 - satisfactory vehicular access, parking and servicing arrangements being provided to ensure highway safety is not jeopardised; and
 - the need to ensure that development proposals would not have any detrimental effects on the amenities of any nearby residential properties.

- 9.14 The change of use of retail properties to non-retail uses will not normally be permitted, particularly where it would result in an over-representation of non-retail uses in a length of shopping frontage. All development proposals would need to conform to relevant planning policy.
- 9.15 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:
- appropriate noise insulation between the living accommodation and the shop below can be provided;
 - where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately designed shop front; and
 - adequate waste storage and car and cycle parking can be provided for the occupants.
- 9.16 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways (Use Classes A3, A4 and A5 respectively) will only be approved when it conforms to relevant planning policy and it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Adequate parking must be provided and considered as part of the overall design. Unsightly plant such as air conditioning units, ducting, flues, etc. should be appropriately screened.

Shop fronts, signage, blinds and security measures

- 9.17 In keeping with its village origins and continuing character, the area has a variety of small shop units along London Road. These now comprise part of a Local Centre.
- 9.18 Shop fronts. Several good quality late nineteenth century and early twentieth century shop fronts survive in London Road. Planning Permission will not be approved to remove such shop fronts or any elements of them unless they are beyond repair.
- 9.19 Where some elements of an original shop front survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shop front design. Removal of original features will only be permitted if they are completely beyond repair or are incapable of being successfully incorporated into a new shop front.
- 9.20 The replacement of inappropriate shop fronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace or the area as a whole. To be acceptable, new designs should:
- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stall risers;
 - relate to the character and proportions of the original building;
 - maintain or improve the ease of access to the building for those with disabilities;
 - be of appropriate materials;

- not stretch across the frontage of more than one building; and
 - provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.
- 9.21 Where change of use is sought for the conversion of a shop to residential use and elements of an historical shop front survive, these will be retained in any conversion unless they are completely beyond repair.
- 9.22 Signage. Several buildings in Oadby have been disfigured by inappropriate and clumsy signage. In future, to be acceptable, new signage must:
- not obliterate, hide or destroy the proportions of the building or any of its architectural features;
 - have lettering of appropriate size, materials and font type for the building;
 - be clear and simple to read and not incorporate garish or unsuitable colours; and
 - have only one appropriately designed and located hanging sign for each shop frontage.
- 9.23 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. Fascia or hanging signs should be of traditional design and externally illuminated where necessary. To be acceptable, illuminated signs must:
- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features;
 - not affect the amenity of nearby residential uses; and
 - have a subdued and consistent light level.
- 9.24 Blinds and canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building. Such blinds or canopies may need the consent of the Local Highways Authority if it overhangs a public footpath.
- 9.25 Shop front security. When designing a new shop front, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.
- 9.26 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain his livelihood. Even if the security need is demonstrated, an open removable mesh shutter should be considered before solid external shutters.
- 9.27 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shop front, do not cover the pilasters and fascia and are of an appropriate colour and finish.

Car parking

9.28 There are several areas of car parking in Oadby which are poorly landscaped and dominate the setting of the surrounding buildings. The manner in which car parking is arranged has a fundamental effect on the quality of the townscape and its impact should be alleviated with appropriate landscaping. The following should be considered in any landscaping schemes:

- opportunities to screen vehicles with planting to integrate parking into the urban landscape;
- establishing direct footways connecting with nearby buildings;
- creating shared surface treatments, providing that pedestrian routes are clearly defined; and
- dividing up larger areas with tree planting and other soft landscaping.

Enhancement opportunities

9.29 A key enhancement opportunity within London Road and Saint Peters Conservation Area is the replacement of the less attractive buildings with more appropriately designed alternatives that reflect the character of the surrounding buildings. Such redevelopment should be in accordance with the accompanying Development Control Guidance document and any subsequent planning briefs which may be drawn up for certain sites.

9.30 The redevelopment of (or) better landscaping and screening of parking areas within the Conservation Area would greatly enhance the existing streetscape, as such areas are unattractive open spaces which contribute little to the townscape. The largest areas are the parking area between Nos. 62a and 64 London Road and the car park adjacent to the restaurant on New Street.

9.31 If the opportunity for replacement street-lighting in the Conservation Area arises, the Borough Council and the County Council will cooperate to ensure an appropriate style is chosen.

9.32 In some areas, particularly along London Road, the streetscape has become cluttered with street signage which detracts from the Conservation Area. Should the opportunity become available, it would be beneficial to rationalise the street signage.

9.33 The footpath along Lawyers Lane has been paved with a modern tarmac surfacing which has a rather urban feel. The use of a surfacing material that seeks to soften the appearance of the path, giving it a more rural appearance in keeping with the lane, would be encouraged.

9.34 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.

10. Midland Cottages Conservation Area Guidance

Background

- 10.1 The Midland Cottages Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 10.2 The Midland Cottages Conservation Area is a small area containing a row of twenty former railway workers cottages together with the former Railway Hotel. The buildings were all built between 1871 and 1881 and are of virtually identical materials. Although the Railway Hotel is a much more imposing building, like the cottages it is of two storeys and sits on what was the road which crossed the railway line at a level crossing. The erection of a new road bridge in the first years of the twentieth century means that today the buildings sit at the bottom of the embankment carrying the new road.
- 10.3 The cottages and former hotel have considerable architectural and historic interest and have been Locally Listed, though the character of the former has been reduced in recent years due to incremental alterations made to individual properties. Whilst these could be considered minor in themselves, the cumulative effect has been to rob the terrace of its homogenous feel. The reinstatement of lost features and the removal of paint and cladding from the properties offer a great opportunity to restore the character of the terrace. The former hotel is remarkably well preserved and continues to serve local people as a public house.
- 10.4 The embankment effectively defines the southern boundary of the Conservation Area, whilst the railway line demarcates the western boundary. To the east are houses, whilst to the north stand modern houses and industrial concerns.
- 10.5 Not surprisingly, the setting is very urban and there is little greenery other than that which has colonised the railway line and embankment and the occasional garden tree. However the track in front of the cottages and the forecourt of the public house in particular offer great opportunities for enhancing the character of the area. Improvements to the railway land opposite the cottages and the embankment would also be a tremendous benefit to the setting and outlook of the cottages.

Control of minor alterations to the Midland Cottages

- 10.6 In addition to promoting the restoration of lost features of the cottages, it is important to ensure that features do not continue to be lost. Article 4 Directions could therefore be considered which would mean that Planning Permission could be required for the following types of work:
- cladding or painting the external walls including window surrounds and reveals;
 - replacing or altering external windows and doors;
 - alterations to the roof, including changing the roof covering, inserting dormers or rooflights;
 - removal or alteration of chimney stacks;

- the demolition or alteration of rear boundary walls;
- the erection of porches, canopies and window shutters; and
- the erection of satellite dishes.

10.7 The Borough Council will promote the reinstatement of lost features. This will include new windows to the original designs (3 over 3 sashes to the first floor window over the front door and plate glass sash windows elsewhere), a standardised front door design and the reinstatement of front door canopies to match that on numbers 17 and 18.

Rear extensions to the Midland Cottages

10.8 The backs of the cottages are very visible from the main Blaby Road and the replacement of the single storey pitched roofed service wings with flat roofed extensions has damaged the unified character of the terrace.

10.9 Applications for alterations to the rear wings will only be considered if they conform to a high quality and are in keeping with the areas historic look and feel.

Retention of public house

10.10 The public house is an important aspect of the character and appearance of the Conservation Area with its historical associations as a former hotel to the railway line. The change of use of the public house will be resisted unless it can be proved that the current use is economically unviable, as whilst the appearance of the building could be retained even if the use of the building changed, the historical associations of the former hotel to the railway line would still be lost.

10.11 If it can be evidenced that the use as a public house is not viable, conversion to a suitable new use in line with current Planning Policy will be considered provided that:

- some form of interpretation material which chronicles the previous use of the building and its associations with the railway is provided in a publicly accessible part of the building.
- the façade, appearance and the historic features of the building are retained and restoration work to improve the condition of these is carried out.
- improvements are made to the public realm and setting of the building which are in keeping with the building and its history.

Demolition and redevelopment

10.12 The demolition of any Locally Listed Building will not be approved unless it can be clearly demonstrated that the building is structurally unsound, it cannot continue in its current use and it cannot be converted to another acceptable use or there are major public benefits from demolition which would outweigh the architectural and historic interest of the building and its contribution to the character and appearance of the Conservation Area. Any new development on land within or which affects the setting of the Midland Cottages Conservation Area must:

- respect the scale of all the buildings within the area;

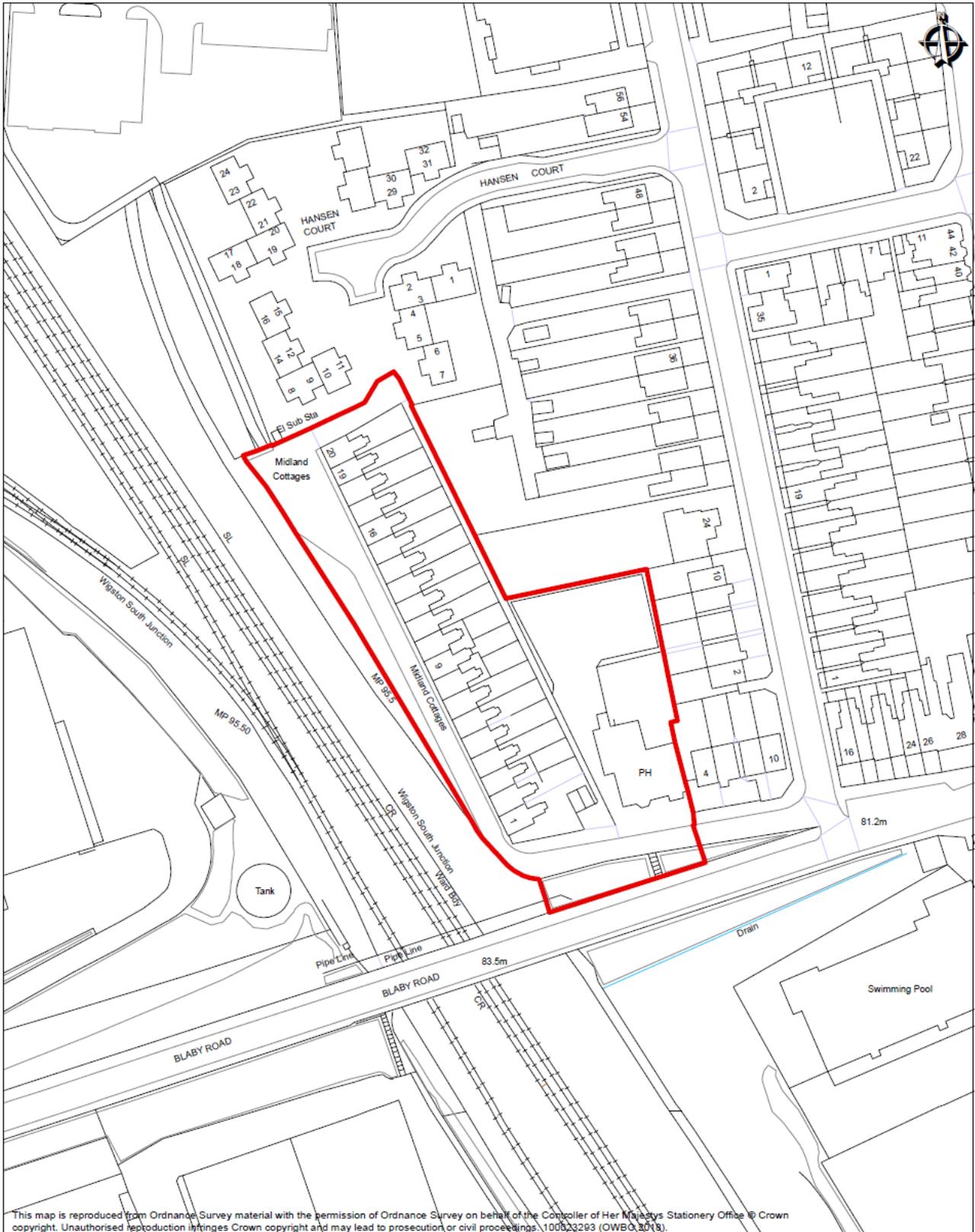
- be built either of matching materials to the existing buildings or provide a successful contrast with them;
- have window and door openings, bays, chimney stacks and other features positioned to produce a clear rhythm reflecting the character of existing buildings;
- directly address the street and have a strong vertical proportion;
- have appropriate architectural detailing to window and door heads, eaves, verges, gable ends etc;
- produce a simple silhouette with ridge lines broken only by chimney stacks; and
- have suitable boundary treatments.

Enhancement opportunities

- 10.13 The greatest opportunity for enhancement within this Conservation Area is the restoration of features that have been lost. Such will include; the careful removal of stone cladding, render and paintwork from building facades; the reinstatement of sash windows to the original patterns; and possibly the restoration of front door canopies. The adoption of 'Article 4 Directions' to prevent further loss of original features could be considered.
- 10.14 Poor quality rear extensions, which are apparent from Blaby Road, would be helped by a standardised homogenous design that would gradually improve the terraces. Such an issue is explored within the relevant Conservation Area Appraisal and Development Control Guidance.
- 10.15 Repair to the brick wall, to the rear of the cottages is required, whilst a partial rebuild to the public house car park wall will also be needed. As well as this, a more appropriate alternative to replace the fence around No.1 would also be of enhancement.
- 10.16 Attempts should be made to persuade the railway company to paint the unattractive galvanised fence and improve planting, to reduce impacts. The grass verges between the fence and the cottages could also be planted to reduce the impact of the fence, thus significantly enhancing the setting of the cottages.
- 10.17 The garages built at the ends of the terraces are in very poor condition and lack the quality and detailing of the cottages and their replacement in more appropriate materials and with pitched roofs would significantly improve the character of the area.
- 10.18 The front apron of the public house would be significantly enhanced by repaving in historically appropriate materials such as setts or blue brick pavers.
- 10.19 The track to the western side of the road in front of the cottages could be resurfaced in bonded gravel or another appropriate finish with the footpath repaved with setts or blue brick pavers. Existing York stone kerb stones should be reused with any damaged lengths replaced with matching materials.
- 10.20 The improved maintenance of the embankment would significantly improve the outlook, particularly of the public house. The retaining wall in particular could be an attractive feature though it requires repair. The steps down the embankment that have been lost over time should be reinstated, however if they are not to be

replaced, the position of the steps should be marked by appropriate detailing in the retaining wall.

MIDLAND COTTAGES CONSERVATION AREA



11. North Memorial Homes and Framework Knitters Cottages Conservation Area Guidance

Background

- 11.1 The North Memorial Homes and Framework Knitters Cottages Conservation Area was first designated in 1988. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.
- 11.2 The land and properties within the Conservation Area are almost entirely in the boundary of the North Memorial Homes and the Framework Knitters Cottages. These organisations are both social housing providers and the properties are managed by Boards of Trustees.

Overview of the area

- 11.3 The Conservation Area comprises two sets of well-maintained 'open plan' almshouses which sit opposite each other east and west of Stoughton Drive. Although both were built in the early twentieth century of red brick with clay tiled roofs, both comprise homes set within attractive well-kept grounds and both are accessed from the road through private gateways, the character of the two groups is rather different.
- 11.4 The Framework Knitters Cottages are all single storey. They are mostly arranged around an open lawn and gardens however some directly face Stoughton Drive. More recently-built cottages stand to the south of the site and effectively create informal courts. The earliest cottages date from 1909 with the most recent built circa 2000. The general forms of the cottages are similar with hipped roofs and tile hung gables but there are considerable differences in detailing particularly between the earlier and more recent cottages. The cottages are built as pairs or small groups of three. Two communal buildings, Corah Hall and Corah House face each other across the open lawn. The former is part of the original foundation and is designed to be a feature building; the latter is modern and takes the general form of the cottages.
- 11.5 The North Memorial Homes are all two storey pairs some of which have been further split to form flats. They are quite formally arranged around the central gardens and are well screened from Stoughton Drive. All the houses were built in 1927 and at first sight are virtually identical. Closer inspection reveals that there are two predominant building types, with only one pair, which is effectively the focus of the main view east, being a slight variation. All the pairs have sweeping roofs with central chimney stacks, verandahs, gables (some hipped) and some have hipped roof dormers. The former Memorial Hall, which occupies a quite grand setting on the western boundary, is now leased to the Evangelical Church and is in a restrained Neo-Georgian style.
- 11.6 Both groups of houses, (North Memorial Homes and Framework Knitters Cottages), sit within attractive grounds mostly laid to lawn but with flower and shrub beds. The majority of mature trees in the Framework Knitters site are along the boundaries; the major exception being the Canadian Oak behind the main gate. Trees in the

North Memorial Homes site are especially prevalent to the west of the site, and on the east and south boundaries with some trees strategically placed within the gardens.

- 11.7 Cars are restricted to the area in front of the Evangelical Church on the North Memorial Homes site. This allows the majority of the gardens to be kept free from vehicles as all the houses have rear access lanes. Vehicles can drive around the edge of the gardens on the Framework Knitters site, though the car parking area is well screened and vehicles rarely interrupt the attractive setting of the cottages. The streetlights on the Knitters site are of the traditional lantern type and complement their setting. Although the lights on the North Memorial Homes site are modern, the columns are painted dark green and the style is not intrusive.
- 11.8 All of the North Memorial Homes are Locally Listed Buildings, as are those Framework Knitters properties built before 1925. There are Tree Preservation Orders in force in the Conservation Area.

Protection of open spaces

- 11.9 The spacious open plan nature of both the Framework Knitters Homes and North Memorial Homes and lack of private garden enclosures are an important element of the character of the conservation area. This open plan nature should be protected and development that would change this character would not be acceptable.

The design of new buildings

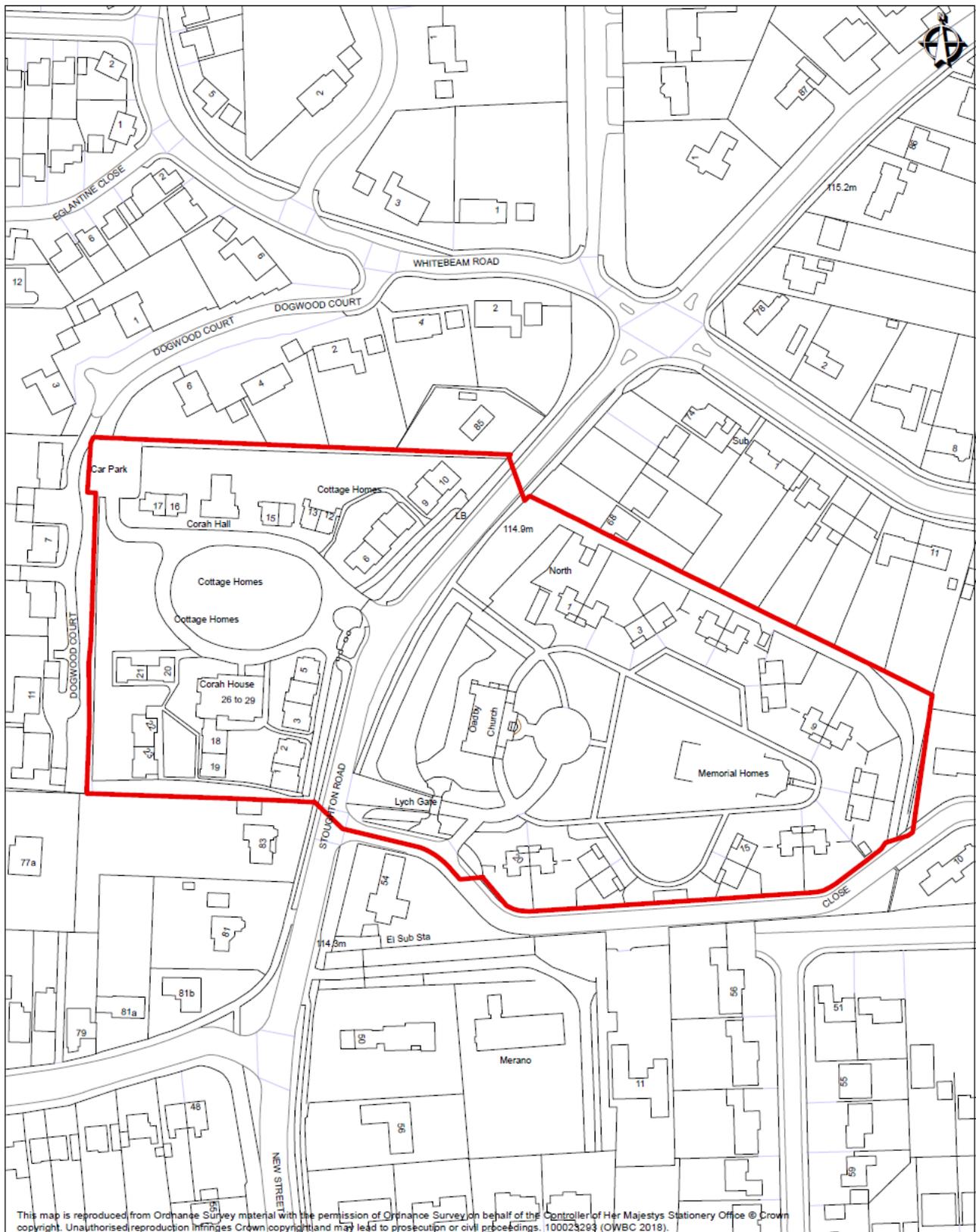
- 11.10 There are very few potential development sites within the Conservation Area and the Council will seek to protect the spacious open plan character. For any new development to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:-
- being of an appropriate mass, form and scale to complement residential properties, (single storey for Framework Knitters Homes and two storey for North Memorial Homes);
 - respecting any well-defined building lines;
 - having interesting roof forms and producing an interesting skyline Silhouette;
 - using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast.
 - respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street.
 - creating positive street corners with active frontages on all elevations.
 - providing a Design Statement as part of a Planning Application which sets out the rationale behind the design of the buildings.
- 11.11 Infill development will not be permitted as this would harm the spacious open plan nature of both sites.
- 11.12 High standards of energy efficiency will also be encouraged in new buildings and the possibility of on-site generation of energy from renewable sources could be explored. The visual impacts on the Conservation Area, however, must be carefully

considered and any energy efficiency/generation measures must not adversely affect the character or appearance of the Conservation Area.

Enhancement opportunities

- 11.13 Both sites within the Conservation Area are extremely attractive, therefore management to ensure that the essential character is maintained, rather than redevelopment, repair or enhancement is the key consideration.
- 11.14 The modern black-top surfacing to some of the paths within the Framework Knitters site has a rather urban appearance. Clearly, the surface needs to be smooth. However, if an aggregate or gravel could be bonded into the tarmac, this would soften the appearance of the paths whilst maintaining a trip-free surface. This has recently been completed within the North Memorial Homes site and has greatly improved the look of the paving and it is much more in keeping with the setting.
- 11.15 The street lighting in North Memorial Homes could be improved. Whilst the columns have been painted dark green and they are generally unobtrusive, they are modern in style and out of character. These could be replaced with something more traditional in style.

NORTH MEMORIAL / FRAMEWORK KNITTERS CONSERVATION AREA



12. Oadby Court Conservation Area Guidance

Background

- 12.1 The Oadby Court Conservation Area was first designated in 1997. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 12.2 Oadby Court is a very small Conservation Area which contains a large Victorian house and part of its original extensive grounds on an area on which five 'Modern Movement' style houses were built in 1933.
- 12.3 The 1930s houses (which give the Conservation Area its name) are the most visible of the buildings and despite considerable extensions and alterations maintain their cubed forms and white rendered walls. A number of fine and very mature trees surround the original Victorian house which was in use as an office for many years, but has now been converted to residential apartments. The trees add considerable value to the amenity of the area and the setting of both this house and the 1930s houses. A handful of similarly mature trees survive in the gardens of Oadby Court; the remnants of the tree screen which originally enclosed the south eastern corner of the Victorian property's extensive grounds.
- 12.4 The Oadby Court houses have lost some of their originally homogenous character. Although sufficient survives to allow them to be understood as a group, it is important that future alterations help restore the character rather than further eroding it.
- 12.5 The Victorian house (built as Oadby Hill and now called Brook's House) is a very attractive mid-nineteenth century villa and externally little altered. However, its setting has been significantly diminished due to the construction of Oadby Hill Drive, Granville Avenue and several other streets of twentieth century houses on land north east of the house. Part of the eastern and western tree belts survive and help buffer the building from the busy A6 road and the newer houses. Although the remaining garden area of the house is now mostly car parking, this does at least give the building some space around it.
- 12.6 Oadby Court is therefore a small enclave, well protected by mature trees and to some extent by the verge and planting left over following the realignment of the road in the late twentieth century.

Alterations and extensions of Oadby Court Houses

- 12.7 Although they are Locally Listed Buildings, the Oadby Court houses have all been altered and / or extended in some form. However, they do still retain character as a group. This is mostly because of the angular form of the buildings and their white painted render. The windows have been replaced with 'modern' windows, but have maintained the typical 1930s horizontal emphasis and provide a good representation of the original 'Crittall' patterns. Steps should be taken going forward to ensure that these window representations are maintained and that the render to the buildings remains white. This would help to maintain the character of the

buildings individually and as a group and not allowing it to be further eroded. The Borough Council will therefore consider the use of Article 4 Directions to control the following types of work:

- Repainting the external walls of the houses; and
- Replacing windows and doors.

12.8 Subject to conforming to all other relevant planning policy, extensions to the Oadby Court Houses will be permitted when they fulfil all of the following criteria:

- they maintain or restore the group character of the houses;
- they respect the angular form, proportions, materials and detailing of the original houses; and
- they preserve or enhance the setting of the houses and do not adversely affect any significant trees or hedges.

Alterations and extension of Brooks House, No. 81 Leicester Road

12.9 Brook's House is a Locally Listed Building. Any alterations which materially affect the external appearance of the building will require Planning Permission. Any alterations which would entail the loss of original architectural features will be resisted unless a convincing justification can be made that the feature is so badly damaged as to be beyond repair, or its removal or alteration will be to the long-term benefit of the building.

12.10 Subject to conforming to all other relevant planning policy, extensions to Brook House will be permitted if they fulfil the following criteria:

- they will not adversely affect significant elevations of the building;
- they will not destroy important architectural features or damage the proportions of the elevation;
- they will not bring about the loss, now, or in the future, of important trees or landscape features; and
- their design, materials and detailing will match or complement the design of the original building.

Change of use of Brooks House, No. 81 Leicester Road

12.11 Brooks House, No. 81 is currently used for residential apartments. The change of use of residential dwellings to non-residential uses will not normally be permitted.

Development within the grounds of Brooks House, No. 81 Leicester Road

12.12 Subject to conforming to all other relevant planning policy, development within the grounds of Brook's House will be permitted when the following criteria are met:

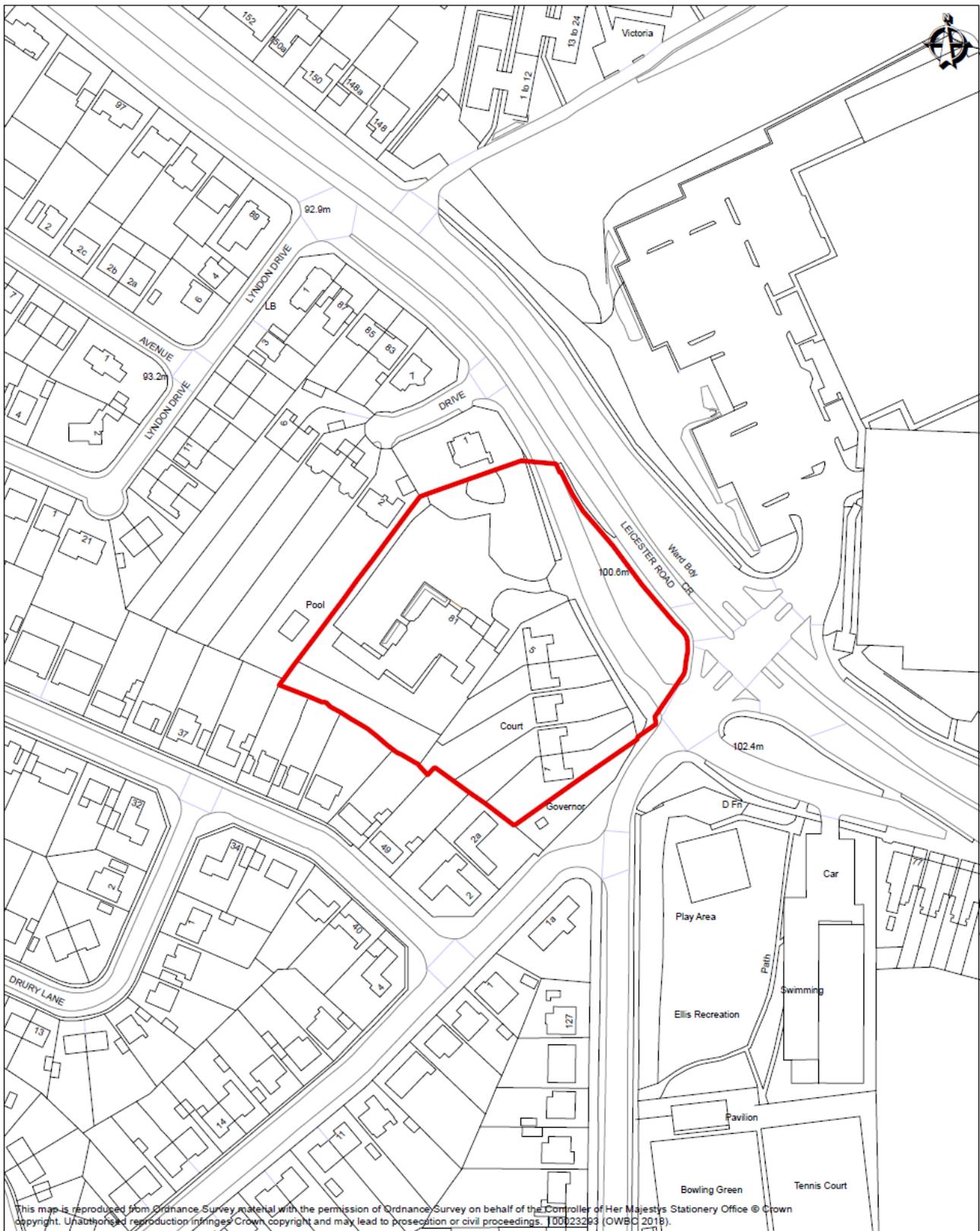
- the proposed development will not adversely affect the setting of Brook's House and will not interfere with key views of the principal elevations of that house;
- the design of any new buildings will respect or complement Brook's House in terms of scale and mass, form, materials and detailed design;

- Brook's House will retain an appropriate setting and amenity space and any new buildings will have adequate and suitably landscaped amenity space;
- the amount of car parking is not reduced;
- existing vehicle access is adequate, or can be modified without affecting the setting of the building or involving the loss of any important tree, boundary or hedge; and
- no important trees will be lost or unsuitably pruned either as a result of the change of use, any alterations or the likely future needs of occupiers of the building with regard to adequate lighting levels.

Enhancement opportunities

- 12.13 The principal enhancement opportunity relating to the Oadby Court houses would be the improved standardisation of the design in regards to extensions and windows.
- 12.14 The setting of Brooks House No. 81 Leicester Road would be considerably improved if some of the car parking could be broken up with some strategically placed trees or soft landscaping.

OADBY COURT CONSERVATION AREA



13. Oadby Hill Top and Meadowcourt Conservation Area Guidance

Background

- 13.1 The Oadby Hill Top and Meadowcourt Conservation Area was first designated in 1987 with the comparatively much smaller area of Meadowcourt designated in the following year. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 13.2 The Oadby Hill Top Conservation Area is an excellent example of an area developed for housing for the rich industrialists of a booming industrial town. Such people sought the space and fresh air which was in short supply in the town, often as a result of their own industrial concerns which manufactured bricks and machinery as well as hosiery and footwear. The availability of the land, mostly as a result of the sale of the Powys Keck estate, allowed the opportunity for the construction of large houses on the very large plots available.
- 13.3 The biggest plots were off Stoughton Drive South and to a lesser extent Glebe Road and Manor Road and it is on these roads that the finest houses, many of which are either nationally or Locally Listed, where the most impressive gardens can be found. The houses were built by the leading local architects, with the father and son combination of Stockdale and Shirley Harrison pre-eminent, and were constructed in fashionable Arts and Crafts styles. This style which had developed from the Victorian Gothic Revival allowed the use of elements from different periods of particularly vernacular architecture and gave scope for considerable freedom of expression for the owner and architect alike. Many of the earliest designs of the largest houses incorporate elements of Jacobethan architecture. This allowed the wealthy Leicester industrialists to build their own versions of the Elizabethan 'prodigy' houses as each sought to demonstrate his taste, wealth and standing in the town.
- 13.4 On the other streets, there are some equally impressive houses, though the plots tend to be smaller except where they were joined together. The houses show probably more variety than the larger houses and there are elements of Jacobethan, Vernacular-Revival, Art Nouveau and Neo-Georgian - the latter becoming particularly popular in the 1920s even for big houses such as Southmeade. The result is an area of exceptionally strong character. As well as this, after the Second World War, Leicester University began to purchase the larger properties in the area and use many of them for student accommodation, which has ensured that these important houses, now too large for individual occupancy or single families are continued to be enjoyed. The only discordant notes are struck by the occasional 1960s bungalow or house, or more particularly by the large student accommodation blocks.

Change of use

13.5 To residential uses. The change of use of single family houses to, halls of residence, boarding houses, or guest house, or for the provision of flats or other more intensive residential uses (including hospitals or nursing homes) will only be permitted, subject to conforming to all other relevant planning policy and where it can be demonstrated that:

- the amenity of adjoining residents will not be significantly affected;
- adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
- existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the setting of the building or involving the loss of any important tree, boundary or hedge;
- car parking can be accommodated without the need for large areas of hard standing.
- the appearance of the dwelling will be maintained without the need for disfiguring extensions or alterations;
- the setting of the building will not be adversely affected and appropriate measures are in place for the maintenance of gardens, trees and hedges;
- no important trees will be lost or unsuitably pruned either as a result of the change of use, any alterations or the likely future needs of occupiers of the building with regard to adequate lighting levels;
- any signage will not adversely affect the residential character of the area and will not be illuminated; and
- there will be no significant increase in traffic generation or on street car parking.

13.6 Change of use to non-residential use. There will be a presumption against the change of use of existing family homes to non-residential uses. Any proposal for change of use would need to conform to all relevant policies within the Council's Local Plan.

Subdivision of plots

13.7 A characteristic of many parts of the area is relatively large historic buildings, in spacious plots. Any proposals for the sub-division of plots, infill, backland and / or tandem development, or loss of open space will be considered on a case by case basis and must take account of all relevant local and national policy and guidance.

The design of new buildings

13.8 Subject to conforming to all other relevant planning policy, in order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass and scale to avoid over development of the site, as well as avoid over-dominating the traditional 2 – 2.5 storey houses which characterise the Conservation Area;
- being of an appropriate form to sit comfortably with the Jacobethan, Vernacular Revival and Neo-Georgian styles of the buildings in the area;
- having interesting roof forms and producing an interesting silhouette;

- using materials which either reflect those found on the traditional buildings in the area or producing an acceptable and exciting contrast;
- taking their inspiration from the interesting plan forms, bays, oriels, gables and sweeping roofs of the traditional buildings in the area; and
- providing a Design and Access Statement as part of a planning application which sets out the rationale behind the design of the building.

Works to Listed Buildings

13.9 The acceptability of works to Listed Buildings is governed by relevant local and national planning policy. The Listed Buildings in the Oadby Hill Top Conservation Area are predominantly used as flats or student accommodation. Whilst such uses have ensured that the buildings are well maintained and enjoyed, the need to adapt buildings to comply with changing legislation can occasionally lead to inappropriate incremental alterations to the buildings. This section therefore seeks to give some additional guidance.

General.

- Before considering any work to a historic building, applicants must fully understand what the implications of the proposed work are on the historic building;
- For complex buildings or major applications, a Conservation Plan or Statement of Significance will help define what the significant aspects of the building, group and setting are; and
- When submitting an application to alter a Listed Building, a Design and Access Statement will be needed which describes why the alterations are needed, what alternative approaches have been considered and how the proposed works are felt to be the least damaging to the special interest of the building.

Fire precaution works.

- Ensure that any compartmenting of the building does not adversely affect principal rooms, staircases, corridors or hallways;
- Consider how historic doors and glazing can be upgraded by use of intumescent products etc rather than replacing them;
- Where improved insulation is needed to floors, install this from above to avoid damage to plaster ceilings;
- Place alarms, sniffers and other equipment in the least prominent location possible (e.g. by locating them close to light fittings etc);
- Do not place equipment on panelling and ensure that cable runs do not cut across cornices, dados, panelling or open areas of wall; and
- Only consider external fire escapes as a last resort and locate them away from prominent facades and key architectural features.

Kitchens and bathrooms.

- Keep away from principal elevations if it would mean external SVPs, vents or obscured glass;
- Keep out of sensitive rooms with decorative plasterwork and panelling and do not locate them above such rooms;

- Group them together vertically so that pipe runs can be minimised; and
- Route vents up redundant chimney flues where possible.

Disabled access.

- Fully understand the issues and problems before proposing modifications and carry out an access audit of larger buildings and groups;
- Respect the balance of symmetrical facades when proposing ramps;
- Use appropriate materials; and
- Keep lifts away from principal rooms / staircases.

Trees and landscaping

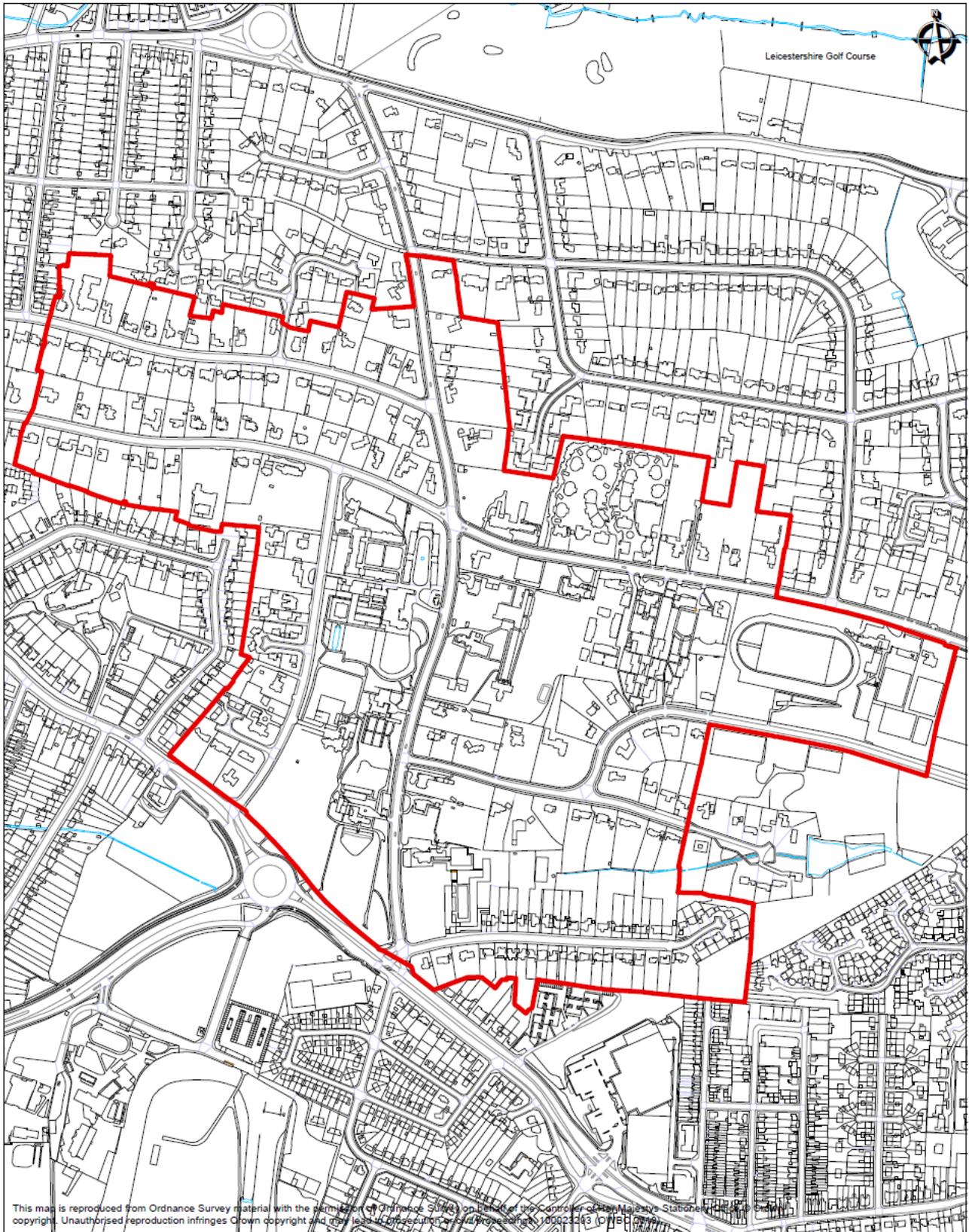
- 13.10 Trees. All trees within the Conservation Area already enjoy a degree of protection as owners are required to give the Borough Council 6 weeks' notice of the intention to carry out works to trees.
- 13.11 Development involving the felling, significant surgery (now or in the foreseeable future), or potential root damage to trees will only be permitted where there are demonstrable public benefits stemming from the proposal. When felling is permitted, replacement planting will be sought wherever possible and conditions will be imposed on planning permissions to ensure the replanting and maintenance of new tree planting.
- 13.12 New buildings will not be permitted in close proximity to important trees, unless it can be robustly demonstrated that the new building will not have a detrimental impact on the tree.
- 13.13 Landscaping. Landscaping schemes will be required to accompany proposals for new development where it is appropriate to the character of the development. Conditions will be imposed on planning permissions to ensure the implementation of approved landscaping schemes.
- 13.14 Open Spaces. Development on major areas of public or private open space will only be permitted where there is clear, demonstrable public benefit stemming from the proposal and where there are no significant adverse impacts upon ecological habitats.

Enhancement opportunities

- 13.15 The potential use of 'Article 4 Directions' to control incremental changes to Locally Listed Buildings.
- 13.16 Repair and restoration of greenhouses for example to the rear of Highgrove.
- 13.17 Improved screening to the rear of university houses, in particular Gilbert Murray Hall.
- 13.18 Improved screening to Beaumont Hall from the Botanic Gardens, Knighton Grange Road and Aigburth.

- 13.19 Where the gardens of the historic buildings have been surfaced over for parking, the expanses of tarmacadam which is a negative feature, could be broken up with suitable planting.
- 13.20 Enhance the role that the Botanic Gardens play within the local area.

OADBY HILLTOP / MEADOWCOURT CONSERVATION AREA



14. South Wigston Conservation Area Guidance

Background

- 14.1 South Wigston Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 14.2 South Wigston is a town developed in the late nineteenth century by the owner of a large brickworks. The settlement follows the tradition of establishing 'model' towns set by Victorian philanthropists at places such as New Lanark and Saltaire and continued in towns such as Bourneville and Port Sunlight. Unlike the majority of these other towns however, South Wigston was not just intended to house workers in the brickyard. Other commercial premises, particularly associated with the clothing industry, were established right from the start.
- 14.3 Like model settlements such as Saltaire, the settlement pattern is generally laid out as a grid and most of the housing is in terraces. Most of the houses are of similar type (though some were built bigger and had front gardens) with just a few larger houses on Orange Street, Blaby Road (until many were converted to shops) and particularly Saffron Road built to house wealthier residents. The clear provision of different sizes and standards of housing to suit different 'classes' of occupiers is not so great as in many model towns.
- 14.4 Although there are differences of detailing between the terraces and groups of houses, the area has a very strong character. The majority of traditional buildings are of red brick with a colour range towards orange and purple, with a few houses of gault brick or with such brick used as detailing. The settlement developed very quickly and was largely complete by 1913. Thereafter the main development was the provision of local authority housing on the undeveloped sites. Some of this was in terraces, the rest in more typical semi-detached forms.
- 14.5 Today, South Wigston retains its strong character despite more recent building and alterations to many of the houses. Some of the industrial uses have contracted or ceased and the buildings they have left behind offer scope for enhancement of the area.

Development of large / sensitive sites

- 14.6 The following sites have long term potential for enhancing the character of the Conservation Area.
- Station Street – Bus garage. Allocated for residential use in the new Local Plan. The Council also have an adopted Local Development Order for the site.
 - Lower Canal Street/Park Road. Large industrial buildings mixed with residential uses. Opportunity for redevelopment to residential uses.

- Countesthorpe Road – Alpha House. Currently an office block. Site addresses both Orange Street and Countesthorpe Road. Potential for redevelopment with a building that respects the character and appearance of the Conservation Area.
- Countesthorpe Road – tyre depot. (southern end of Countesthorpe Road) Small site currently occupied by car park and single storey building. Associated with car spares sales in adjoining building. Opportunity for redevelopment to residential uses.
- Canal St – building immediately south of Healy Street. Locally Listed building. Retain and refurbish. Future use to ensure the external appearance and detailing remains intact. Has recently been subject to Compulsory Purchase Order with a view to redevelopment of the building to residential dwellings.

The design of new buildings

14.7 To be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass and scale to avoid dominating the small two-storey residential terraces and/or, in the case of mixed small commercial and residential streets, to maintain an appropriate juxtaposition of scales;
- being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
- respecting any well-defined building lines;
- having interesting roof forms and producing an interesting skyline silhouette;
- using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast;
- respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street;
- creating positive street corners with active frontages on all elevations; and
- providing a Design and Access Statement as part of a Planning Application which sets out the rationale behind the design of the buildings.

14.8 Appropriate infill development, subject to conforming to all other relevant planning policy, will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape. The design of this type of development should respond to:

- established building and boundary lines and the local scale of development;
- prevailing overall heights, storey heights and the massing of adjacent buildings;
- characteristic frontage or plot widths;
- roof profiles and silhouettes of adjoining buildings;
- colour, type, source and texture of facing, roofing and paving materials;
- distinctive forms or architectural detailing prevalent in the immediate area;
- average dwelling size and net residential densities; and
- existence of set piece or otherwise unified architectural compositions or significant building groups.

Change of use

- 14.9 The conversion of former industrial or commercial buildings of townscape value to residential or appropriate commercial use will be actively encouraged provided that:
- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
 - where the property was purpose-built as a shop and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair;
 - the amenity of adjoining residents will not be significantly affected;
 - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
 - existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the overall townscape quality of the area, the setting of the building or involving the loss of any important tree or boundary; and
 - any important 'lost', altered or dilapidated architectural details will be restored.
- 14.10 There is a presumption to retain retail uses along Blaby Road. However it is recognised that shopping patterns are changing in the area. Many of the properties, especially at the western end and the terrace of buildings with Gothic detailing were built as houses and were converted to shops later. Where retail uses are no longer commercially viable in these buildings, subject to conforming to all relevant planning policy, conversion back to residential use will be supported when:
- the architectural character and detailing of the original houses will be restored;
 - front gardens with appropriate boundaries will be reinstated;
 - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view; and
 - the living accommodation meets the technical housing standards as detailed in Policy 11 of the Local Plan and the occupants have an acceptable level of amenity.
- 14.11 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:
- appropriate noise insulation between the living accommodation and the shop below can be provided;
 - where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately designed shop front; and
 - adequate waste storage and car and cycle parking can be provided for the occupants.
- 14.12 The change of use of residential dwellings to non-residential uses will not normally be permitted.
- 14.13 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways (Use Classes A3, A4 and A5 respectively),

subject to conforming to all other relevant planning policy, will only be approved when it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic.

14.14 The sub-division of single residential properties into multiple dwellings, subject to conforming to all other relevant planning policy, will only be permitted if:

- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
- the amenity of adjoining residents will not be significantly affected;
- satisfactory car and cycle parking, and refuse bin storage for the occupants can be adequately accommodated and appropriately screened;
- the location of the property or the nature of nearby land uses will not affect the quality of the occupants' residential amenity;
- the living accommodation created will be satisfactory;
- where separate accesses are required, these entrances are adequate and safe, and can be provided without damaging the character of the building; and
- appropriate noise insulation between dwellings can be provided.

Shopfronts, signage, blinds and security measures

14.15 The provision of shops was an important element of the original foundation of South Wigston. Blaby Road developed as the main shopping street, but shops were also found on the ends of many of the residential streets to the north and south. Although some old shopfronts survive, many others have been lost or disfigured by modern alterations or the addition of clumsy signage.

14.16 The Council is always seeking to improve the quality of the shopfronts in the Conservation Area and will apply the following guidance to achieve this aim. The restoration of original shopfronts in South Wigston is not a difficult task. Many shopfronts were of consistent design within terraces and good photographic records of the area also survive.

14.17 Shopfronts. Several good quality late nineteenth century and early twentieth century shopfronts survive in South Wigston. Planning Permission will not be approved to remove such shopfronts or any elements of them unless they are beyond repair.

14.18 Where some elements of an original shopfront survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shopfront design. Removal of original features will only be permitted if they are completely rotten or are incapable of being successfully incorporated into a new shopfront.

14.19 The replacement of inappropriate shopfronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace or the area as a whole. To be acceptable, new designs should:

- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stallrisers;
- relate to the character and proportions of the original building;

- maintain or improve the ease of access to the building for those with disabilities;
- be of appropriate materials;
- not stretch across the frontage of more than one building; and
- provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.

14.20 Where change of use is sought for the conversion of an original shop back to residential use and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair.

14.21 Signage. Several buildings in South Wigston have been disfigured by inappropriate and clumsy signage. To be acceptable, new signage must:-

- not obliterate, hide or destroy the proportions of the building or any of its architectural features.
- have lettering of appropriate size, materials and font type for the building.
- be clear and simple to read and not incorporate garish or unsuitable colours.
- have only one appropriately designed and located hanging signage for each shop frontage.

14.22 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. To be acceptable, illuminated signs must:-

- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features.
- not affect the amenity of nearby residential uses.
- have a subdued and consistent light level.

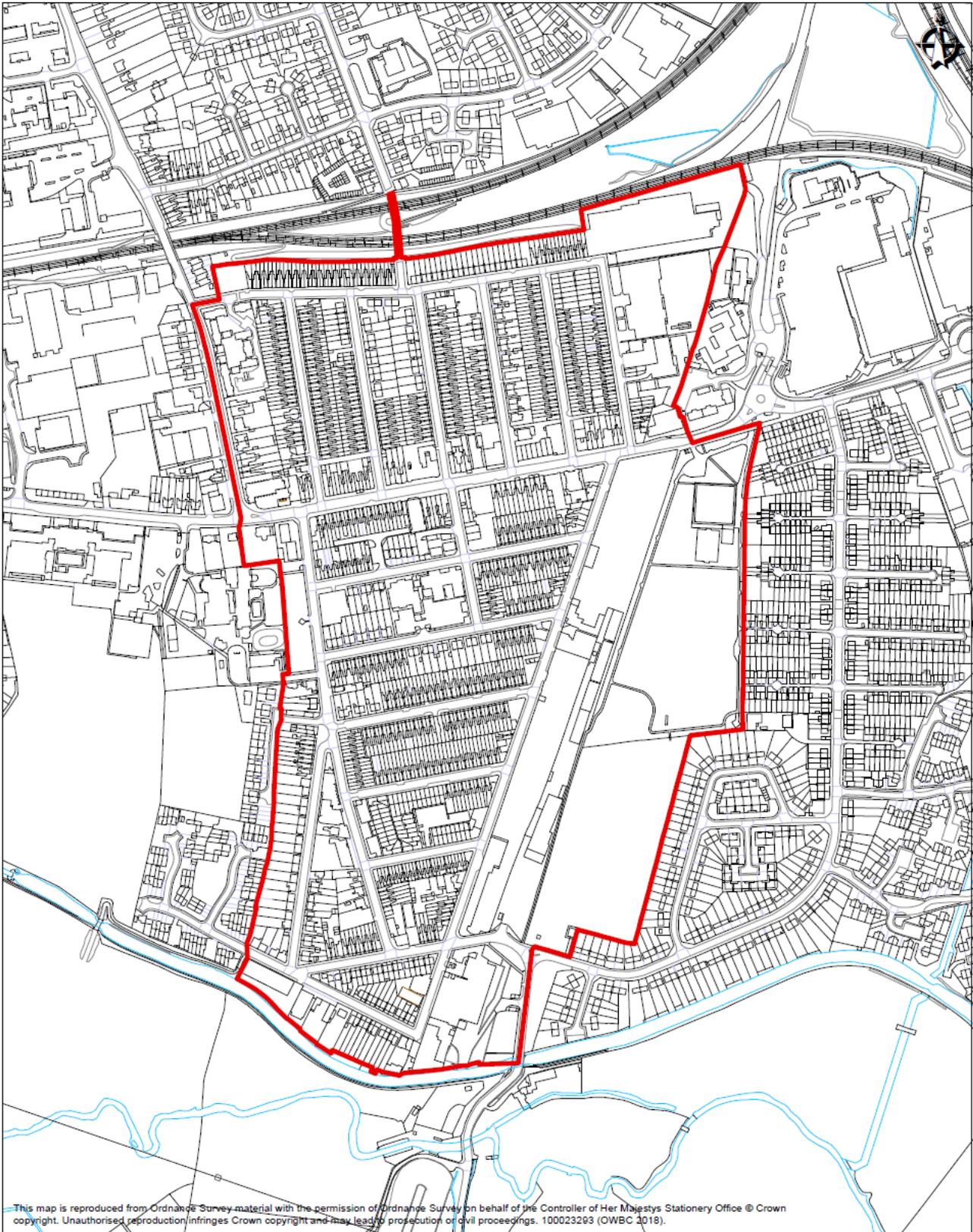
14.23 Blinds and Canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building.

14.24 Shopfront Security. When designing a new shopfront, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.

14.25 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain their livelihood.

14.26 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shopfront, do not cover the pilasters and fascia and are of an appropriate colour and finish.

SOUTH WIGSTON CONSERVATION AREA



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15. Spa Lane Conservation Area Guidance

Background

- 15.1 Spa Lane Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 15.2 This area of Wigston is part of the original northern core of Wigston Magna village. Only St Wistan's Church, albeit rebuilt, remains from the village's origins, but the area still contains a mixture of residential and industrial uses reflecting a later period of the village's development and is a valuable record of Wigston's working past. A good example of the areas industrial past is the former Broughton's Hosiery Factory, now known as The Kings Centre. The building retains many of its original features, including a stone 'Bulls Head' above one of its entrances.
- 15.3 The area is separated from the centre of the modern borough by Bull Head Street, a dual carriageway 'A'-road. This wide expanse of fast moving traffic is a major physical barrier and has had a detrimental effect on the setting of the few remaining traditional buildings along the street by sweeping away their original village context.
- 15.4 There are a number of vacant and / or unsightly areas within the Conservation Area which currently detract from the character of the area. However, they offer scope for appropriate and well-designed development in the future.

Development of vacant sites

- 15.5 The vacant land within the Conservation Area forms areas which detract from its appearance. It is important that any proposed development of these vacant areas should be of a high quality both in terms of design and materials in order to ensure that the Conservation Area is visually enhanced by the scheme.
- 15.6 The following sites have potential for enhancing the character of the Conservation Area:
- Former Filling Station site, Bull Head Street. Currently used as a hand car wash. Flanked by two residential Locally Listed Buildings (Numbers. 20-22 & Spoutewell Cottage – one of the oldest buildings in Wigston). Potential to significantly improve aspect to Bull Head Street Potential housing or commercial site.
 - Mowsley End / Spa Lane. Currently contains Kwik Fit garage, various light industrial buildings and vacant plots. Potential housing or commercial site, possibly linking into Filling Station site. Identified Locally Listed Buildings and buildings of townscape value should be retained and integrated into any new development. Potential to significantly improve aspect to Mowsley End / Spa Lane & Bull Head Street. Main vehicle access for any development should be via Mowsley End / Spa Lane.

- Ford Dealership, Spa Lane. Currently workshop / garage and showroom with surrounding car parking area. Potential to significantly improve aspect to Spa Lane and setting of nearby Locally Listed Buildings. Possible site for housing and opportunity to establish appropriate building line.

Change of use

- 15.7 The conversion of former industrial or commercial buildings of townscape value will be considered if the site would make an important contribution towards improving the environment and where their conversion would not result in an unacceptable loss of the buildings historic integrity. Schemes will be encouraged provided that:
- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
 - the amenity of adjoining residents will not be significantly affected;
 - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
 - existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the townscape quality of the area, the setting of the building or involving the loss of any important tree or boundary; and
 - any important 'lost', altered or dilapidated architectural details will be restored.
- 15.8 The change of use of residential dwellings to non-residential uses will not normally be permitted.

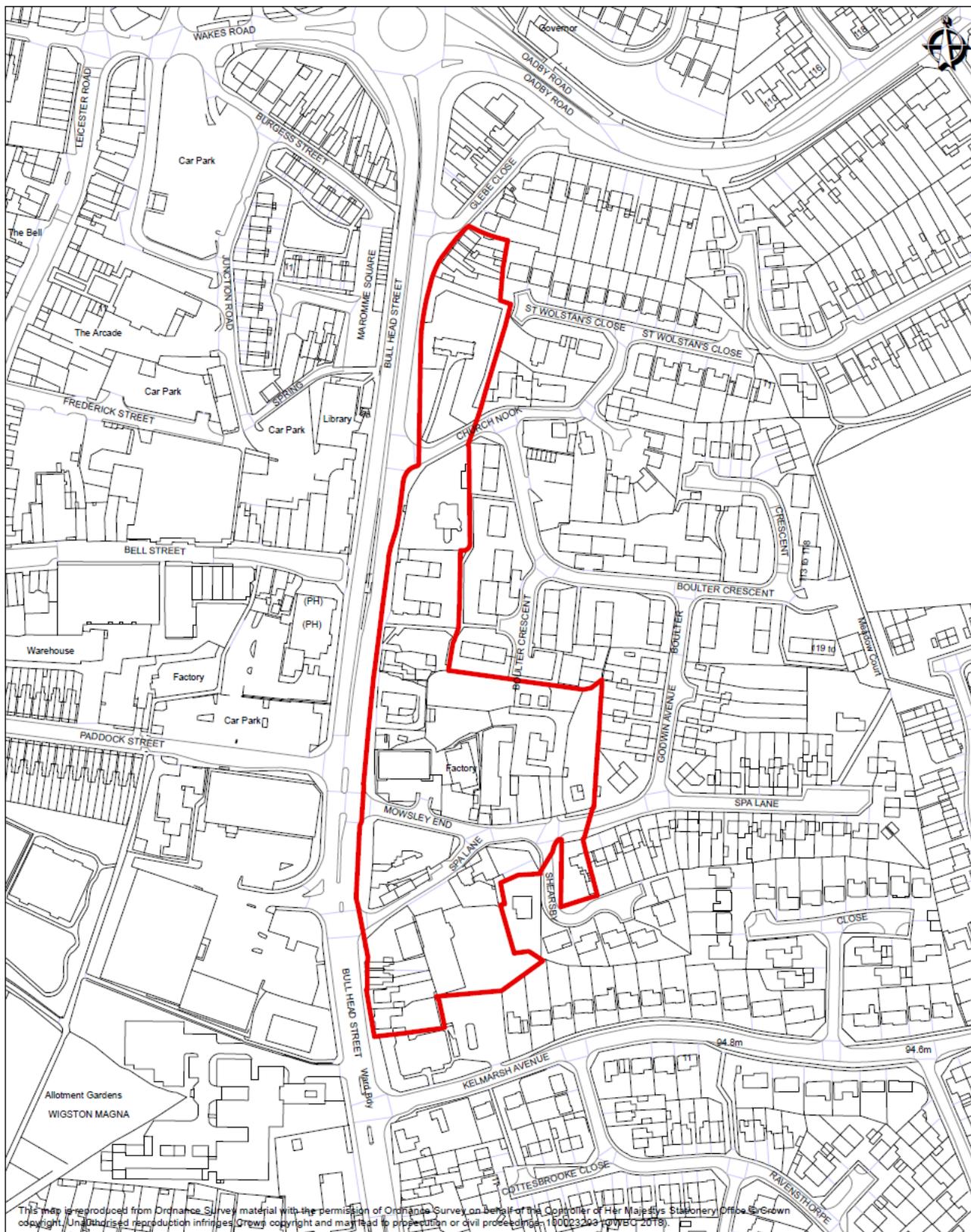
The design of new buildings

- 15.9 The Spa Lane Conservation Area Appraisal describes the area's 'grain', i.e. how the area's existing buildings relate to the street. The appraisal summarises information such as boundary treatments, building heights and line, materials, detailing, etc. Paying particular attention to the street in which proposed development will sit will establish appropriate design principles and ensure that the new buildings will respect the Conservation Area's existing character.
- 15.10 In order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:
- Being of an appropriate mass and scale to avoid dominating the two storey residential properties and to maintain an appropriate juxtaposition of scales;
 - Being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
 - Having interesting roof forms and producing an interesting silhouette;
 - Use materials and detailing which follow on from the design principles which influenced the basic form of the building, i.e. which either reflect those found on traditional buildings in the area or, as part of a very high quality design approach, produce a successful contrast;
 - Providing a Design and Access Statement as part of a Planning Application which sets out the rationale behind the design of the building;
 - Responding to the differences in detailing where a development covers more than one street; and
 - Creating positive street corners with active frontages on all elevations.

Enhancement opportunities

- 15.11 The vacant land along Spa Lane (to the east of No. 6A Spa Lane) forms an unsightly area which detracts from the Conservation Area's appearance. It is important that any proposed development of these vacant areas should be of a high quality both in terms of design and materials in order to ensure that the Conservation Area is visually enhanced by the scheme.
- 15.12 The unattractive car parking area to the front of the Kwik Fit garage and the adjacent gravelled space erode the character of the Conservation Area. An appropriate screening or improved landscaping of such areas would improve the setting of the Conservation Area.
- 15.13 Similarly the Ford dealership garage on Spa Lane and the hand car wash on Bull Head Street have a negative visual impact upon the Conservation Area. Relocation to a more appropriate location would aesthetically be the most satisfactory solution. However, a good landscaping scheme may be able to 'soften' the impact of all the vehicles, the utilitarian buildings and the proliferation of signage.
- 15.14 The churchyard of St Wistans Church is very much overgrown, almost obscuring the church from view. The churchyard should be reclaimed, with much of the vegetation cleared away, leaving key shrubs and trees. Such a scheme would enable appropriate use and would provide a viable green space in a predominately urban industrial area.
- 15.15 The Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.

SPA LANE CONSERVATION AREA



16. The Lanes Conservation Area Guidance

Background

- 16.1 The Lanes Conservation Area was first designated in 1981. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.

Overview of the area

- 16.2 'The Lanes' Conservation Area is characterised by the contrast between the 'hidden' green open space of the Manchester Gardens, (Allotment Space), and the urban built development that surrounds it.
- 16.3 The Lanes themselves are a throwback to the village's origins and probably served to link the two cores of the original settlement. Today they are a series of quiet routes away from traffic in the middle of an urban environment and are of great value in creating the feeling of a quiet backwater in the town centre.
- 16.4 The survival of the Manchester Gardens at the heart of 'The Lanes' as an area of open space in such an urban environment is hugely beneficial. Today it acts as a 'green lung' providing a respite from the urbanity of the surrounding streets with their continuous built frontage (except where this is broken by the Peace Memorial Park).
- 16.5 The four perimeter streets of the rectangular 'village' centre, (Long Street to the west, Bull Head Street to the east, Bell Street to the north and Moat Street to the south), are characterised by their commercial character with small clusters of residential properties. This is reversed in the streets that run west from this central rectangle which are dominated by nineteenth century housing. The northern and eastern sides of the built frontage to the central green area are mainly comprised of commercial buildings and form part of the centre of the modern Wigston Magna.
- 16.6 The northern and eastern sides of the built frontage to Manchester Gardens area are mainly comprised of commercial buildings and form part of the centre of the modern Wigston Magna. A large area of the Conservation Area is taken up by the vast concrete mid twentieth century Police and Fire Stations and large twentieth century superstores
- 16.7 The southern and western sides of the built frontage to the central green space are much more residential in character and contain many terraces with subtle variations between them in their architectural detailing.

Protection of open space

- 16.8 Few towns possess such an intricate system of footpaths as Wigston. These 'Lanes' link across the town centre extending from Junction Road to the Little Hill Estate and provide a series of quiet routes across the town centre away from traffic. Improvements to enhance the footpaths will be carried as and when schemes are permitted.

- The Council will preserve and enhance The Lanes system of footpaths and use development control powers to ensure the character and appearance of the area is not prejudiced by unsympathetic development on land adjoining the footpaths.

16.9 Outside 'The Lanes' proper, at the western boundary of the Conservation Area is The Black Pad which links Central Avenue to Bushloe End. This public footpath has an informal, semi-rural feel similar to that of 'The Lanes'. This character is largely due to the vegetation that lines The Black Pad, and it is, therefore, important that the key vegetation is retained and maintained.

- The Council will work with statutory undertakers and the Highways Authority to ensure that the vegetation is retained during, and reinstated (if necessary) after, any works undertaken along The Black Pad. Where appropriate, sustainable drainage methods and materials should be used, provided that these do not have an adverse visual impact on the historic environment.

16.10 The informal nature of The Lanes is a key component of the quiet character of this green space in the heart of the town centre. The Lanes are well used by the local community and it is, therefore, important that these footpaths are adequately maintained and appropriately surfaced.

- The Council will work with the Highways Authority and statutory undertakers to ensure the adequate maintenance of The Lanes and that appropriate surfacing materials are used in the area. Where appropriate, sustainable drainage methods and materials should be used, provided that these do not have an adverse visual impact on the historic environment.

16.11 The survival of the Manchester Gardens as an area of open space at the heart of the Conservation Area is of great value in creating a feeling of a quiet backwater near the town centre.

- The Council will resist proposals for the development of the Manchester Gardens.

16.12 Although the Manchester Gardens are surrounded by built development, except on the Chapel Lane frontage where they adjoin the Memorial Park, these buildings are largely set back from the Gardens' boundary, to which they turn their backs. This factor also contributes to the sense of space felt by people who use The Lanes.

- The special character of the Manchester Gardens will comprise a material consideration when the Council determines planning applications on adjacent land within the Conservation Area.

Change of use

16.13 The conversion of former industrial or commercial buildings of townscape value will be considered if the site would make an important contribution towards improving the environment and where their conversion would not result in an unacceptable loss of the buildings historic integrity. Schemes will be encouraged provided that:

- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
- where the property was purpose-built as a shop and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair;
- the amenity of adjoining residents will not be significantly affected;
- adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
- existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the overall townscape quality of the area, the setting of the building or involving the loss of any important trees or boundaries; and
- any important 'lost', altered or dilapidated architectural details will be restored.

16.14 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:

- appropriate noise insulation between the living accommodation and the shop below can be provided.
- where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately-designed shopfront.
- adequate waste storage and car and cycle parking can be provided for the occupants.

16.15 The change of use of residential dwellings to non-residential uses will not normally be permitted.

16.16 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways, (Use Classes A3, A4 and A5 respectively), subject to conforming to all other relevant planning policy, will only be approved when it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Adequate parking must be provided and considered as part of the overall design. Unsightly plant such as air conditioning units, ducting, flues, etc. should be appropriately screened.

The design of new buildings

16.17 In order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass and scale to avoid dominating the mainly two-storey residential properties and/or, in the case of mixed small commercial and residential streets, to maintain an appropriate juxtaposition of scales;
- being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
- respecting any well-defined building lines;
- having interesting roof forms and producing an interesting silhouette;

- using materials which either reflects those found on the traditional buildings in the area or producing an acceptable and exciting contrast;
- providing a Design and Access Statement as part of a Planning Application which sets out the rationale behind the design of the building; and
- respecting prevalent architectural detailing.

Alterations and extensions

16.18 Rear Extensions. These are the most common type of extension as they usually offer the greatest degree of flexibility and privacy. Care is needed, however, to ensure that the effect upon neighbouring properties is kept to a minimum. Particular care should be taken in the design of rear extensions to the terraces along Central Avenue as these are visible from public footpaths. In addition to all other relevant policy and guidance;

- an extension should not dominate the neighbour's house or garden or affect their light quality;
- two storey extensions on common boundaries are unlikely to be approved;
- the eaves level of a rear extension should be kept as low as possible and particular care should be taken to ensure the ridgeline of the new roof does not interfere with the existing roof; and
- it should not be visible from the front of the building.

16.19 Roof Extensions. These are a popular way of extending houses, but can pose considerable challenges in order to avoid damaging alterations to the character of the property. On terraces and groups of similar properties such as those along Central Avenue and Paddock Street, they can also be highly intrusive because of the relative uniformity of the houses and so their impact on the street must be carefully considered.

- roof extensions should relate well to the local roof form and should reflect or complement the character of the property and the area;
- ridgelines and chimneystacks, in particular, are often a key part of a building's character and they should not be altered unless it can be demonstrated that this would create a positive feature;
- the potential for overlooking should be addressed in the design;
- the size and number of dormer windows should be kept to a minimum and they should generally not be placed on the front elevation (or the elevation most visible from the public realm) unless it is appropriate to the design or history of the building.
- the style of windows should be influenced by the design, proportion and arrangement of existing windows in the building; and
- roof lights should be of the traditional 'Conservation' type which lies flush with the roof slope and should also be kept off the front roof slope, particularly on formal buildings.

Shopfronts, signage, blinds and security measures

16.20 Parts of Leicester Road and the northern end of Long Street fall within Wigston's primary shopping area.

- 16.21 Although many of the retail units in these shopping areas are housed in older nineteenth century/early twentieth century properties, most appear to have lost their traditional shopfronts and have been much altered in the later twentieth century. The following guidance aims to enhance the appearance of the Conservation Area by providing detailed design principles for designers to follow to ensure that new and refurbished shopfronts fit into their context.
- 16.22 Shopfronts. Number 2 Leicester Road, a Locally Listed Building, retains a good quality 1940s shopfront. Planning permission will not be approved to remove this shopfront or any element of it.
- 16.23 Where some elements of an original shopfront survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shopfront design. Removal of original features will only be permitted if they are completely beyond repair or are incapable of being successfully incorporated into a new shopfront.
- 16.24 The replacement of inappropriate shopfronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace, or the area as a whole. As well as conforming to all other relevant planning policy, to be acceptable, new designs should:
- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stall risers;
 - relate to the character and proportions of the original building;
 - maintain or improve the ease of access to the building for those with disabilities;
 - be of appropriate materials;
 - not stretch across the frontage of more than one building;
 - provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.
- 16.25 Where change of use is appropriate and not detrimental to the area and elements of a good shopfront survive, these will be retained in any conversion unless they are completely beyond repair.
- 16.26 Signage. Several buildings in Wigston have been disfigured by inappropriate and clumsy signage. Along with conforming to all other relevant planning policy, to be acceptable, new signage must:
- not obliterate, hide or destroy the proportions of the building or any of its architectural features.
 - have lettering of appropriate size, materials and font type for the building.
 - be clear and simple to read and not incorporate garish or unsuitable colours.
 - have only one appropriately designed and located hanging sign for each shop frontage.
- 16.27 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. To be acceptable, illuminated signs must:

- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features.
- not affect the amenity of nearby residential uses.
- have a subdued and consistent light level.

16.28 Blinds and Canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building.

16.29 Shopfront Security. When designing a new shopfront, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.

16.30 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain his livelihood.

16.31 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shopfront, do not cover the pilasters and fascia and are of an appropriate colour and finish.

Street furniture

16.32 The traditional lampposts found throughout The Lanes are noted as positive aspects. The traditional style of these lampposts and lighting contributes to the character of the historic 'Lanes' footpath system as well as providing lighting and safety after dark.

- The Council will encourage the appropriate maintenance of the lampposts within The Lanes area. Where a traditional lamppost is incapable of repair, its replacement must be appropriate to the history of the area. Similarly, the opportunity to remove any modern lampposts within The Lanes area should be taken; these should be replaced with traditional lampposts appropriate to the history of the area.

Enhancement opportunities

16.33 The two shops at 41 – 47 Bell Street could both benefit from shop front improvements to a style more in keeping with the age and style of the buildings and the first floor windows which are currently boarded up, should be reinstated. Additionally, the replacement of the heavy metal shutters to a style that is more appropriate within the Conservation Area would be of benefit.

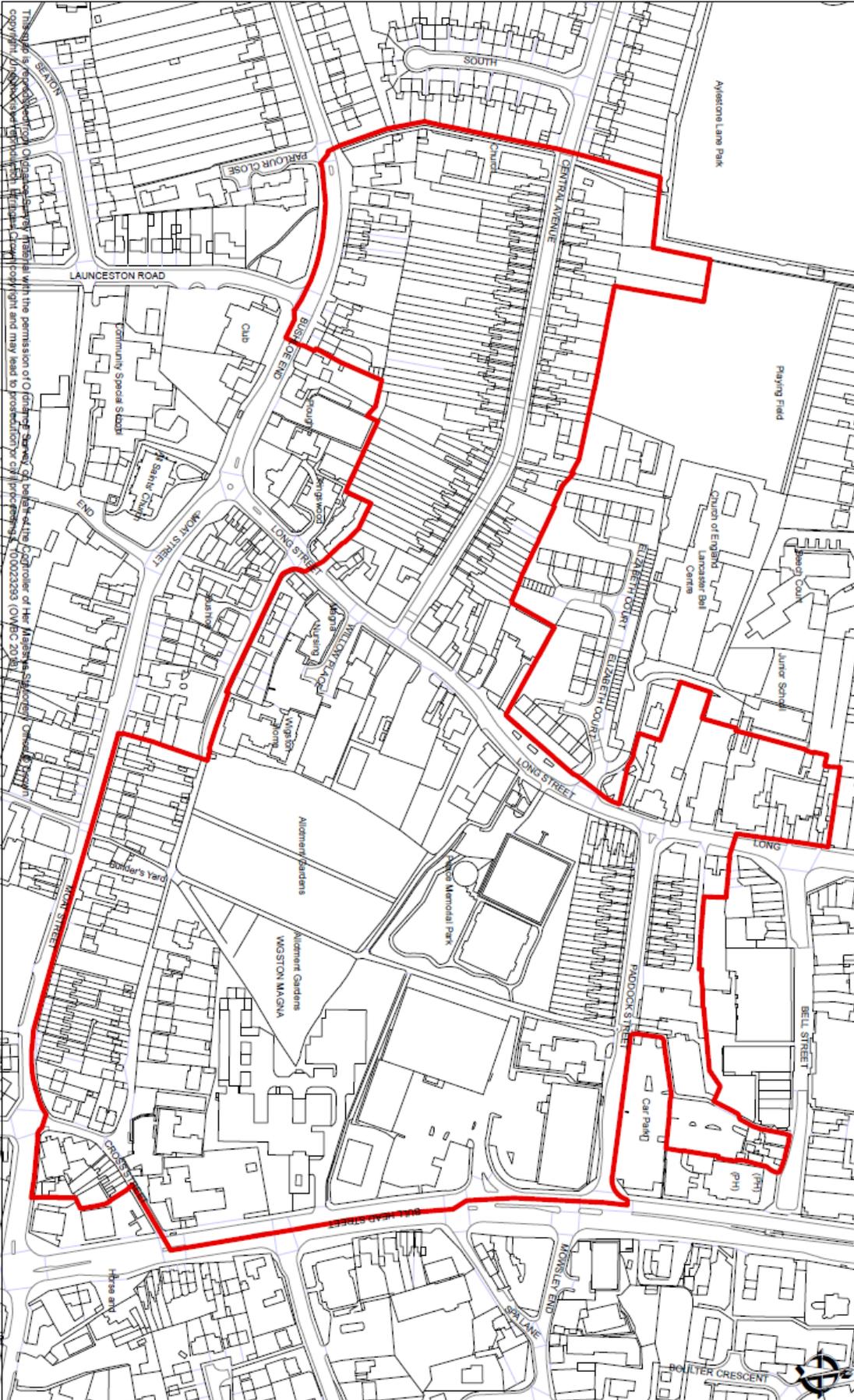
16.34 Views from Paddock Street into the service yards of the Bell Street commercial units are unattractive, thus creating an unpleasant pedestrian environment for users of Long Lane. Appropriate screening of these servicing areas would dramatically enhance the Conservation Area.

16.35 The car parking area to the west of Belvoir House on Paddock Street is unattractive and detracts from the street scene. The redevelopment of the site should be considered and has the potential to enhance the character and appearance of the

Conservation Area. Any proposed redevelopment of this site should refer to Development Control Guidance.

- 16.36 Similarly, Paddock Street Car Park detracts from the Conservation Area and redevelopment of the site should be considered to enhance the character and appearance of the Conservation Area.
- 16.37 Some forecourts to properties such as the Wigston Conservative Club, the Royal Mail Depot and Nos. 61 and 65 Long Street would benefit from more attractive landscaping, thus not only enhancing the setting of the buildings but also the street scene.
- 16.38 The vacant site adjacent to the Working Men's Club should be redeveloped. The site detracts from the appearance of the Conservation Area and has the potential for enhancing the character through redevelopment. Any proposed redevelopment of this site should refer to The Lanes Development Control Guidance.
- 16.39 The quiet backwater and historic character of The Lanes is reinforced by the informal nature of its footpaths which criss-cross the area. However, regular maintenance is necessary to ensure they continue to be well used by the local community and their traditional character is retained. Clearly, the surface needs to be smooth. However, if an aggregate or gravel could be bonded into the tarmacadam, this would soften the appearance of the paths whilst maintaining a trip-free surface. Similarly, traditional street furniture that contributes to the area's historic character should be maintained and replaced where necessary with matching designs.
- 16.40 In their present condition the vacant office building and adjoining site of the former shop situated on Long Street are negative features to the surrounding streetscape. The area should be redeveloped and tidied, to 'add to' the surrounding area.
- 16.41 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.

THE LANES CONSERVATION AREA



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17. Implementation and monitoring of this supplementary planning document

- 17.1 The nine designated Conservation Areas within the Borough of Oadby and Wigston play an important role in safeguarding its heritage.
- 17.2 Once adopted, the SPD will be implemented through the planning process, being taken into account and applied when determining planning applications for development within or adjacent to Conservation Areas. In addition, applicants will be encouraged to consider the enhancement opportunities and to take these into account when preparing proposals for development. The Council will also seek to work with potential applicants to assist them in ensuring that development enhances the character of the Conservation Area, for example through pre-application meetings.
- 17.3 The SPD will be monitored by considering the impact of the proposals when considering planning applications and the number of enhancement opportunities taken forward over time. In addition, there will be period reviews of the Conservation Area Appraisals and the SPD.

Residential Development Supplementary Planning Document

Adopted Document

April 2019



Contents

Chapter 1	Introduction and general advice	page 2
Chapter 2	Local Plan related policy	page 3
Chapter 3	Specific advice and guidance	page 5
	Design and overall appearance of the development	page 5
	Roof Design	page 5
	Impact of side extensions on the street scene and the terracing effect	page 6
	Impact of side extensions to corner plots on the street scene	page 7
	Use of materials	page 7
	Windows and Doors	page 8
	Loft Conversions and dormers of existing residential dwellings	page 9
	Residential amenity, privacy and visual intrusion	page 10
	The provision and retention of private open space associated with residential accommodation	page 11
	Sunlight and daylight	page 12
	The 45 Degree Code of Practice	page 12
	Joint Extensions	page 17
	Wedge Shaped Extensions	page 17
	Continuous development on side boundaries	page 17
	Annexes	page 18
	Parking, highway safety and garages	page 19
	Garages in communal parking areas	page 20
	Infill and backland development in the Borough	page 20
	Boundary Treatments	page 21
	Housing Choices and Housing Standards	page 24

1. Introduction and general advice

- 1.1 This Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document seeks to supplement the related policies set out within the Council's Local Plan, as well as offering advice to any prospective residential related development applicant. Alongside the Local Plan, this SPD will help the Council approach planning decisions in a positive and creative way.
- 1.2 The following chapters set out specific (detailed) design, character and use of materials advice and guidance relevant to all new residential development proposals within the Borough area that require planning permission.
- 1.3 It should be noted that not all residential development proposals require planning permission before they can begin works. Works that do not require planning permission are referred to as Permitted Development. Permitted Development rights are set out within the governments General Permitted Development Order. Further information can also be found on the Planning Portal website.
- 1.4 It is however, always advised that expert advice is sought from the Council.
- 1.5 Both national planning policy and the Council encourage prospective applicants for residential development to contact the Planning Control team to discuss their proposals before making any planning application submission. Such approach is referred to as 'Pre-application advice'. Further information relating to Pre-application advice can be found on the Council's website.
- 1.6 Pre-Application Advice is promoted through the National Planning Policy Framework (NPPF), which suggests that the more issues that can be resolved at pre-application stage, the greater the benefits. It goes on to suggest that *'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.
- 1.7 Pre-application advice is available to anyone who is thinking about submitting an application to the Council; however it is always encouraged that an applicant employs the services of a professional architect and / or an independent planning expert if they need help with the design of a scheme, as the Council cannot undertake such work.
- 1.8 In addition, it is advised by the Council that prior to Pre-application discussions taking place and / or the submission of a planning application proposal for residential related development, the applicant should check to see whether there are any existing planning restrictions, covenants on the deeds and / or Party Wall Act restrictions related to the proposal site.
- 1.9 Land drainage and flood risk issues may also be relevant to a development site. Advice is available from the Environment Agency's website www.environment-agency.gov.uk and the Lead Local Flood Authority.

2. Local Plan related policy

- 2.1 Amongst others, the Council's Local Plan sets out a number of residential related policies. These policies set out the Council's policy approach to specific residential related aspects and will need to be taken account of when new development is being drawn up / proposed.
- 2.2 Chapter 3 of this document sets out supplemental advice and guidance in relation to specific residential planning policies (listed below).
- Policy 6 High Quality Design and Materials
 - Policy 15 Urban Infill Development
 - Policy 44 Landscape and Character
- 2.3 Chapter 3 also seeks to help an applicant interpret the listed policies. It should be noted, that not all residential related policies are listed. It should also be noted that further information and guidance relating to residential development is contained within the Council's Landscape Character Assessment, as well as other Supplementary Planning Documents. All such documents can be found on the Council's website.

Policy 6 High Quality Design and Materials

The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development and major refurbishment in the Borough.

Proposals for new development and major refurbishment should create a distinctive environment by;

- *respecting the existing local and historic character;*
- *utilising inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;*
- *creating development that is of high architectural quality;*
- *ensuring patterns of development are sympathetic to their surroundings;*
- *responding to the local topography and the overall form, character and landscape setting of the settlements.*

Proposals for new development and major refurbishment should ensure safe and healthy communities by;

- *creating inclusive places that design out opportunities for anti-social behaviour and crime;*
- *creating spaces that are accessible to all regardless of ability or background;*
- *encouraging sustainable means of travel;*
- *protecting local amenity, including, resisting development that has unacceptable contributions towards air quality, noise, vibration, smell, light or other pollution, loss of light or overlooking;*
- *providing opportunities to promote biodiversity;*
- *providing opportunities for well designed and integrated public art;*
- *incorporating measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation.*

Proposals for new development and major refurbishment should create connected places by ensuring that development;

- *connects effectively and efficiently to existing routes, by avoiding dead ends and convoluted routes, to allow it to integrate into the wider settlement and to link to existing services and facilities;*
- *integrates with existing sustainable modes of transport including cycle, pedestrian (including canal towpaths and public rights of way), and public transport; and*
- *provides appropriate parking facilities, including that for cycling and motor vehicles (where relevant).*

Compliance with the above criteria will need to be expressed through submission of a Design and Access Statement.

Major development including large-scale refurbishment will require preparation of a masterplan, development brief and/or design code where deemed appropriate by the Council.

Proposals for innovative and outstanding design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will be considered favourably by the Council.

Policy 15 Urban Infill Development

Within the urban areas of the Borough, proposals for infill development on previously developed land that are of high quality design, improve the character of the locale, do not have any adverse effect on / or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be considered favourably.

Any proposal for development on residential garden land or any other open amenity space around buildings will not be permitted unless it conforms to the guidance set out within the Council's Landscape Character Assessment.

Proposals that seek to split existing residential plots and propose development on the garden land of and / or open amenity space of existing plots will not be granted planning permission unless the proposal sits comfortably, is consistent with, in character with, and respects the direct existing street scene in which it is situated. The Council will not accept development proposals that 'over develop' a site from its original intended or existing use.

Development proposals would also need to illustrate high quality design and use of materials that are consistent with the character of the area and the existing properties in the direct area.

Policy 44 Landscape and Character

All development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.

Development proposals will only be permitted where it is in keeping with the area in which it is situated. Development proposals that are contrary to the policy guidance as set out within the Council's Landscape Character Assessment, the Conservation Areas Supplementary Planning Document and / or the Conservation Area Appraisals will not be approved.

Development proposals that have a potential impact on nationally designated areas or features of landscape and cultural significance will not be permitted.

- 2.4 In addition to other relevant local policies set out within the Council's Local Plan national policy set out within the National Planning Policy Framework (NPPF), will also be of relevance in certain residential development related cases.
- 2.5 When preparing any planning application, the applicant must take account of NPPF, particularly where it states planning '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents*'. The Council will also take account of the NPPF throughout the decision making process.

3. Specific advice and guidance

- 3.1 This Chapter sets out specific design, character and use of materials advice and guidance for all new residential related development within the Borough.

Design and overall appearance of the development

- 3.2 All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The character and appearance of residential related development and how this fits with the local streetscene are important considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing streetscene and retain and / or enhance locally distinctive character. In addition, all new residential related development should have regard to Sport England's 'Active Design' guidance, in particular its ten key principles. The Active Design guidance is supported by Public Health England and is part of our collaborative action to promote the principles set out in Public Health England's *'Everybody Active, Every Day'*, to create active environments that make physical activity the easiest and most practical option in everyday life.
- 3.3 Residential extensions and enlargements should be in keeping with the character and appearance of the dwelling to be extended as well as the wider local area. There is a limit to the number of extensions which can be added to a property or to a site. What constitutes overdevelopment will vary from site to site, as each set of circumstances is unique. If extensions are beginning to overwhelm a property or if there is a large number of outbuildings in close proximity to each other, site boundaries or the main house, it may be that a site is already overdeveloped. In such circumstances additional development may not be appropriate. A key point of note, is that any extensions or enlargements should be visually subordinate to the existing dwelling that is to be extended.
- 3.4 Whilst variety in design through changes in roof form or storey height will not be discouraged, new development should not be over-dominant or otherwise harmful to the locally distinctive appearance of the surroundings. Large dominant extensions are rarely satisfactory and particular care is needed in the case of front extensions to semi-detached or terraced properties.
- 3.5 In order to improve the architectural quality of the built environment, a high standard of design will be required in all forms of development and external materials and finishes should be chosen to give a high quality appearance and identity to the scheme. Consideration should also be given to the boundaries (walls, railings, fences, hedges) and trees and vegetation within the area. Reference may also be made to the Council's non-statutory publication – *'OWBC Tree Strategy 2018 – 2023, Trees for Life'* which is available via the Council's website.

Roof design

- 3.6 Roof form and style often contribute significantly to the appearance and character of a residential dwelling. A Victorian villa and a post war suburban semi-detached property are both residential dwellings which can be built out of red brick but the

differences in their roof form helps define their character. Roof form also has an important part to play in ensuring an extension is appropriately designed.

- 3.7 In order to ensure an extension is sympathetic to the original dwelling its roof should replicate the proportions, pitch, shape and materials of the main house. This is just as important for single storey extensions as those at two storey level.
- 3.8 Unless the existing residential dwelling dictates, the use of flat or semi-pitched roofs, particularly when extending above single storey level, often makes extensions incongruous features within the street scene, particularly when such roofs are on front or side extensions and are inconsistent with the design of the roof on the existing house. Full pitched or hipped roofs should be used to match the style of the existing roof on the dwelling, especially on two storey or first floor extensions. The use of full pitched roofs on single storey extensions and buildings within the curtilage of dwellings will be encouraged where appropriate.

(a) Likely to be acceptable
subject to terracing effect



(b) unacceptable



- 3.9 The illustrations above (a) show a hipped roof property that has been extended to the side with sympathetic and consistent design that is in principle acceptable and (b) an unsympathetic side extension detailing a flat roof with a mock pitch to the front with the windows out of scale with the existing that would be deemed unacceptable.

Impact of side extensions on the street scene and the terracing effect

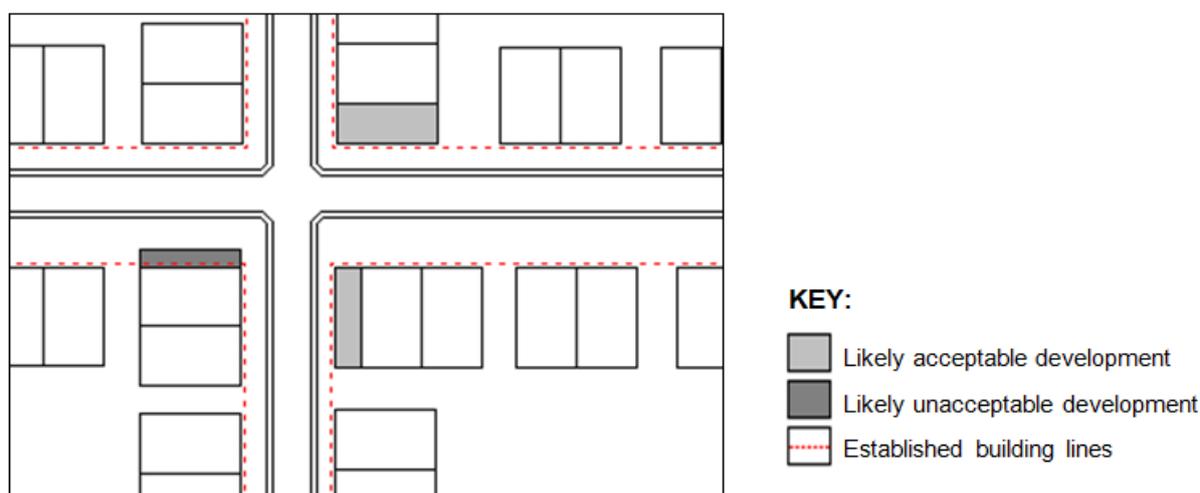
- 3.10 It is very often the case that the only satisfactory means by which detached or semi-detached dwellings can be extended is at the side and, because of the restricted nature of some plots, flush with the side boundary. Whilst such extensions can provide much needed additional living accommodation they often have a negative impact upon the house, street and locally distinctive character.
- 3.11 Such development proposals often give rise to unsatisfactory design since two adjacent properties may create a terrace effect by extending at two storey level up to their common boundary. The Borough Council will normally insist that such extensions are either set in by at least one metre from the boundary, or where this is impractical, recessed by at least one metre at first floor level behind the front wall

of the dwelling so that visual separation is created in order to avoid any detrimental impact on the visual characteristics of the street scene. However, where the front walls of adjacent dwellings do not follow a common building line and there is an offset of at least 1 metre between the front walls, this may be satisfactory in preventing the terraced appearance. The front wall of the building nearest to the front boundary will be defined by the nearest corner of the dwelling to the side boundary at first floor level. Projecting bays, gables and other features will not be taken into account.

- 3.12 A terracing effect will occur where buildings follow a common building line. Where dwellings are not on a common building line and the position of the plots are staggered there may be no risk of terracing hence the 1m set back at first floor level or the 1m offset from the boundary may not be required.

Impact of side extensions to corner plots on the street scene

- 3.13 Side extensions to existing residential dwellings situated on corner plots effectively become front extensions and ultimately can have a major impact upon the appearance of the street scene. It is for this reason, as well their impact upon motorist visibility, that they are deemed unacceptable, unless exceptional circumstances dictate otherwise.
- 3.14 Existing building lines of development should be respected in all instances. If the building line is not clearly defined, then a projecting side extension may be acceptable if it would not have a detrimental impact on the street scene or motorist visibility or locally distinctive character.



- 3.15 The above drawing illustrates when a side extension to existing residential dwellings situated on corner plots would be acceptable and when they wouldn't be acceptable.

Use of materials

- 3.16 All new residential related development should make use of materials that are in keeping and character with the local area in which it is situated. In exceptional

circumstances, use of materials not in character with the local area can be deemed acceptable should they enhance the existing local character and streetscene.

- 3.17 Residential dwelling extensions and enlargements should not only be designed to match and complement the existing dwelling style, but should also be constructed in matching, similar and / or complementary materials, where the existing materials are of an acceptable quality and standard. It should be noted that the use of matching materials is relevant to the extension in its entirety, for example the façade, the side(s) and the rear.
- 3.18 All external brickwork should be built using a high quality brick, mortar and pointing that has aesthetic value. Unless in exceptional circumstances, it would not be acceptable to use a low quality common brick or 'fletton' for external brickwork.
- 3.19 The re-use of building materials is in principle acceptable and encouraged by the Council, unless those materials were to have a detrimental impact on the local character and streetscene.
- 3.20 The details of materials to be used for any residential related development should be submitted with the planning application submission documentation to avoid the need for pre-commencement conditions requiring submission of details regarding the proposed external materials before the commencement of any building works (where a favourable planning recommendation has been given).

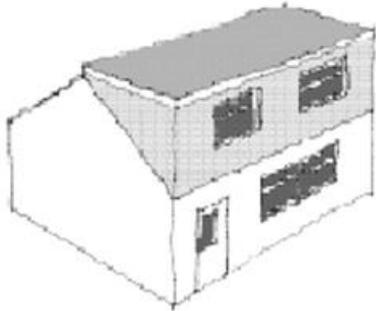
Windows and doors

- 3.21 The use of inappropriate door and / or window sizing, detailing and materials can have a significant detrimental impact on an otherwise acceptable development proposal and its impact upon local character or upon close neighbours.
- 3.22 All new windows and doors should respect the character and appearance of the local area, and extensions or enlargements should respect the character and the appearance of the existing residential dwelling that is to be extended.
- 3.23 Particular attention should be afforded to all elevations equally. Specific details that will be considered (but are not limited to) by the Council when proposals are put forward are:
- the size, shape, design and materials;
 - the placement of windows and doors within the building;
 - any recessing or reveals;
 - window and door heads and cill details.
- 3.24 The position of windows and / or doors should be positioned so as not to have a negative impact on the residential amenity or actual and perceived privacy of surrounding properties. The locating of primary windows to habitable rooms such as living rooms or bedrooms on the flank of a property (where they would rely upon the adjacent property for light and air) should be avoided.

Loft conversions and dormers of existing residential dwellings

- 3.25 Utilising roof space of existing dwellings to provide additional living accommodation has proved popular to householders in recent years because it offers economy in space requirements and costs. However, it must be recognised that many dwellings were never designed to accept this form of extension and modern dormers are rarely attractive features unless designed well.
- 3.26 If a loft conversion / extension is to be proposed, particular care should be afforded to the size, design and positioning of dormers on dwellings. Badly designed dormer windows can create incongruous and / or intrusive features which would have a detrimental impact on the character of an area and / or can lead to a substantial loss of privacy and amenity of surrounding properties.
- 3.27 Measures that may assist in reducing the visual impact of dormers include (but are not limited to);
- the placing of dormers to the rear of the property,
 - restricting the size of the dormer so the main roof slope remains the dominant feature,
 - positioning the dormer below the ridge of the roof,
 - cladding the dormer in materials to match the existing dwelling,
 - and providing a pitched roof over the dormer.
- 3.28 Like all extensions, dormer windows should relate in scale and style to the original building and be in keeping with its fenestration. It is important for dormers to be designed to incorporate elements of balance and symmetry within their design which relate to the dwelling on which they are to be placed. They should be kept to a minimal size and avoid becoming an over dominant feature within the roof which creates a top heavy appearance to a dwelling. As a general guide dormers should be the same size or smaller than any windows on the existing property. Flat roofed dormers should be avoided.
- 3.29 Front dormers will only be acceptable where they can create an attractive feature which is in keeping with the style and character of the property on which it will be placed. Side dormers or proposals to create gable end roofs on one side of pairs of semi-detached and detached dwellings where both sides were originally hipped will not be acceptable unless there are exceptional circumstances that dictate otherwise.
- 3.30 Except in exceptional circumstances, dormers should be set at least 0.5 metres below ridge level.
- 3.31 Materials used on dormers should be sympathetic to the existing roof to help the dormers blend into their background. The pitches of the dormer must be designed to incorporate the same tiles as on the existing roof.
- 3.32 Except in exceptional circumstances box dormers will not be acceptable. The drawings below clarify this.

Unacceptable design



More appropriate designs

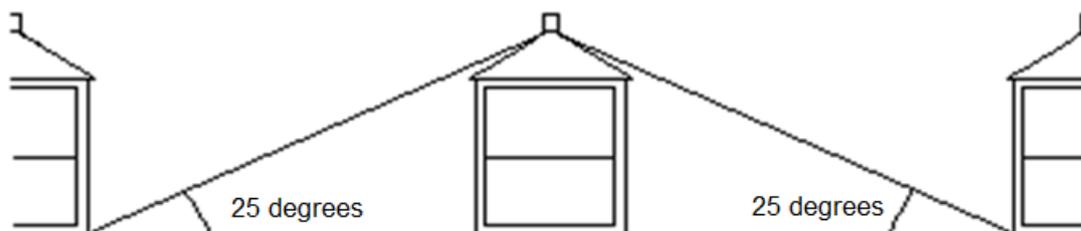


- 3.33 It should be noted that for any loft conversion or extension proposals, sections should be prepared, and submitted with any application, to illustrate that there is suitable vertical space within the roof to create a habitable room, with adequate roof space above to meet the requirements of paragraph 3.30 above.

Residential amenity, privacy and visual intrusion

- 3.34 All new residential development, including extensions and alterations, should be designed so that adequate levels of amenity for future and existing residents of the property and neighbouring properties are provided and maintained. This can be achieved either by spacing buildings at a suitable distance apart to avoid overlooking, visual intrusion and loss of daylight, or by the careful design and placing of windows and doors. Such guidance, applies, in the main, to habitable dwelling rooms. A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, playrooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages and workshops.
- 3.35 In some circumstances new extensions can be detrimental to the amenity of existing properties because they close the space between the facing windows of the two properties or because a flank elevation is proposed which is too close to the main habitable room windows of the neighbouring property. This kind of situation is particularly likely to arise where properties close to street corners are to be extended.
- 3.36 New housing development or extensions to existing dwellings must conform to separation distances unless there are exceptional circumstances that dictate otherwise. Separation distances do not normally allow distances of less than 22 metres between facing windows of two storey houses on level ground and, between facing windows and flank or secondary elevations, development should not rise above a line drawn at 25° from the ground floor of the neighbouring dwelling fronting onto the new dwelling or extension.
- 3.37 In addition to these separation distances, clear glazed windows in side elevations and the use of flat roofs as balconies where this would lead to overlooking of neighbouring properties and gardens will not be acceptable.

- 3.38 It should be noted that all measurements are taken from the original dwelling as built.
- 3.39 The diagram below assumes that a site is entirely level. In considering any particular case, account will be taken of any changes in level between properties to avoid any adverse impact upon loss of amenity due to loss of privacy or potential for overlooking.



The provision and retention of private open space associated with residential accommodation

- 3.40 Private open amenity space (garden space) to the rear of dwellings plays an important role in facilitating the health and wellbeing of current and future occupiers of a dwelling. It is important therefore to protect any provision of open space at a level which can be utilised efficiently and enjoyed.
- 3.41 The amount of rear garden space required on all residential related development is dependent on the size of the property and so the practical needs of any household who might live within it. All dwelling house rear gardens should have the following minimum sizes, unless exceptional circumstances dictate otherwise
- 1 bedroom properties shall have a minimum private rear garden space of 50 square metres.
 - 2 – 3 bedroom properties shall have a minimum private rear garden space of 75 square metres.
 - 4 – 5 bedroom properties shall have a minimum private rear garden space of 100 square metres.
 - The loss of over half of an original garden to extensions or enlargement will not be acceptable.
- 3.42 This minimum provision will be applied to new residential development and to the remaining rear garden space should a proposed extension or enlargement to an existing dwelling house be built.
- 3.43 A bedroom is deemed to be any room which could potentially be used as a permanent bedroom. This includes any room annotated 'study', 'family room', 'store', 'bonus room' or the like. The rear garden will usually be classed as the main open section of the rear garden and shall not include alcoves or small un-useable sections of garden land.
- 3.44 An application for a development of more than 5 bedrooms shall have no less than 115 square metres of rear garden space however the required provision will be

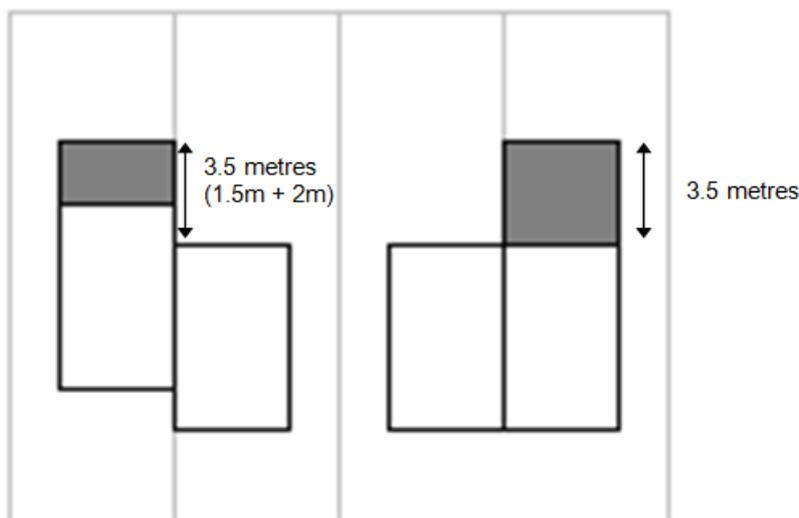
judged on its own merits. Flats and residential care units / homes should have a minimum of 75 square metres for up to 5 units with an additional 15 square metres per unit. That might include a combination of communal open space and 'private' spaces, such as balconies. If any development results in the loss of half or more of the original garden it may not be acceptable.

Sunlight and daylight

- 3.45 Extensions can be of great benefit to the resident who builds it and at the same time a curse to the neighbour. If designed wrongly, it can cut out both sunlight and daylight, be overbearing and be too dominant on the boundary separating the neighbours.
- 3.46 To lessen the negative impact and to endeavour to protect the neighbour who will be affected by the extension, the Council will assess the natural lighting implications of any new development. All residential related development will need to conform to the 45 degree code of practice. This code is intended to make sure that extensions do not dominate neighbouring properties and detract from the enjoyment that neighbours have in their property.

The 45 Degree Code of Practice

- 3.47 It should be noted that at the rear of dwellings a single storey extension projecting an effective maximum distance of 3.5 metres along the boundary will usually be allowed irrespective of these guidelines.



- 3.48 The code is intended for use in relation to all extensions, which affect residential properties and will be applied in the assessment of planning applications in conjunction with all the Council's related planning policies.
- 3.49 The 45 Degree Code is simple in its compliance. An imaginary line is drawn at an angle of 45 degrees from the nearest window of the flat / house that may be affected by any building work. This window must be the main source of light to a main habitable room such as a living room or bedroom. Secondary windows to a

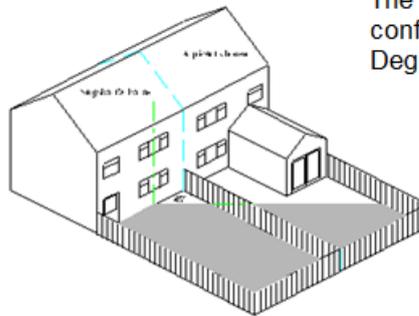
room will not normally be taken into account. See also the point in paragraph 3.24 regarding flank windows.

3.50 A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, play rooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages or workshops.

3.51 The new building work should not cross this 45 Degree Line. The point from which the imaginary line is drawn depends on whether it is a single storey or two or more storeys. The following diagrams illustrate how the 45 Degree Code will be applied in a variety of circumstances.

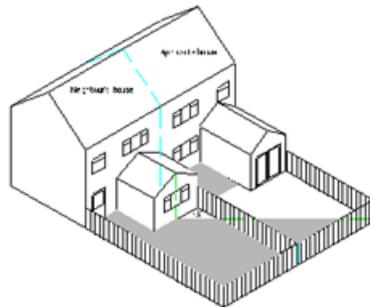
Single storey extensions (including conservatories).

The line is taken from the centre of the nearest ground floor window.



The extension shown conforms to the 45 Degree Code

An existing extension



If your neighbour has an existing extension, the 45 Degree Code line is taken from the nearest habitable room window. This is providing it is the most likely to be affected.

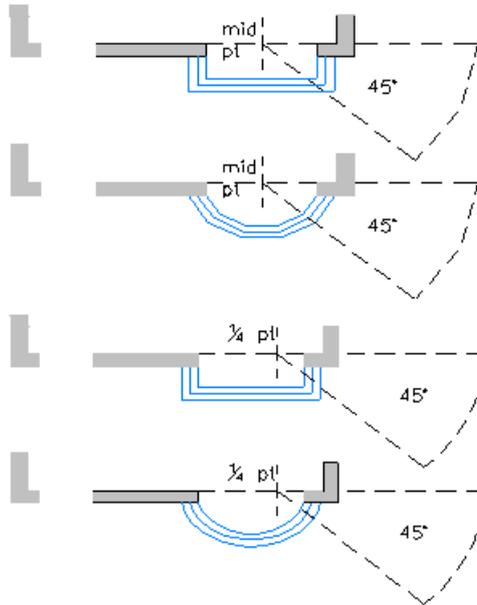
Two storey and first floor extensions

3.52 It is important to remember that the Code will be applied when a further storey is added on an existing single storey extension. So if it is intended to build a first floor extension at a later date, the ground floor extension on which it is to be built should be designed to meet the requirements of the code for a two storey extension or the second storey will need to be set back.

3.53 The Code is applied in the same way, except that the line is drawn from a point a quarter of the way along the window.

Bay and Bow Windows

3.54 If the neighbour has a bow or bay window, the measurement is taken from the mid or quarter point at the back of the window where it joins the main wall or flat. See below.

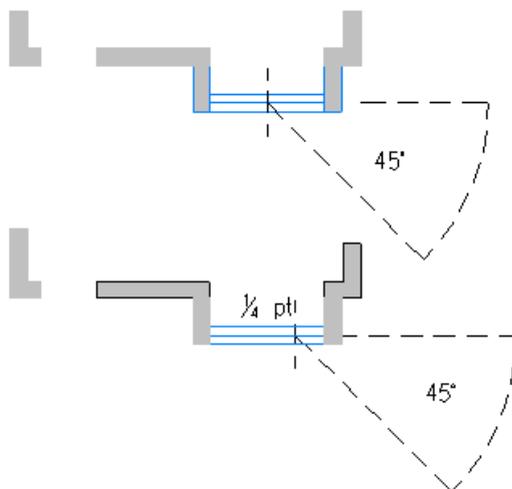


The 45 Degree Code line is applied from the midpoint of the neighbouring bay / bow window for a single storey extension.

The 45 Degree Code line is applied from the quarter point of the neighbouring bay / bow window for a two storey extension.

3.55 French windows, bay windows, bow windows and those with multiple sashes shall be treated as one opening and the measurement obtained from the face of the glazing where the windows project.

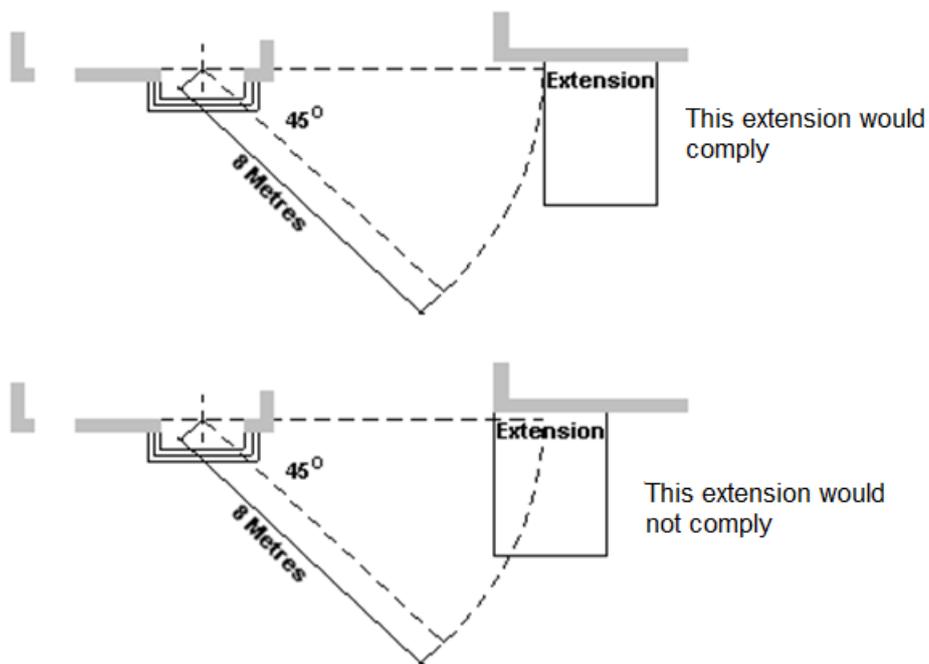
3.56 However if the bay has solid brick or similar sides, then the measurement is taken from the glazed part of the window. See below.



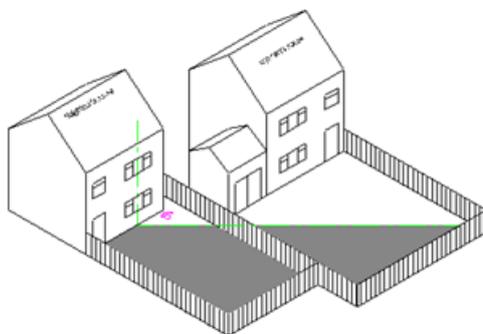
The 45 Degree Code line is applied from the mid point of a bay / bow window with brick sides, for a single storey extension.

The 45 Degree Code line is applied from the quarter point of a bay / bow window with brick sides, for a two storey extension.

Application over distance



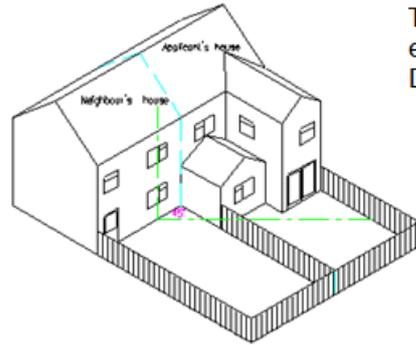
Side extensions



If the extension is to the side of the property the 45 Degree Code line is only applied if the extension projects out further than the front or back wall of the neighbours house. This may apply where there is a staggered building line.

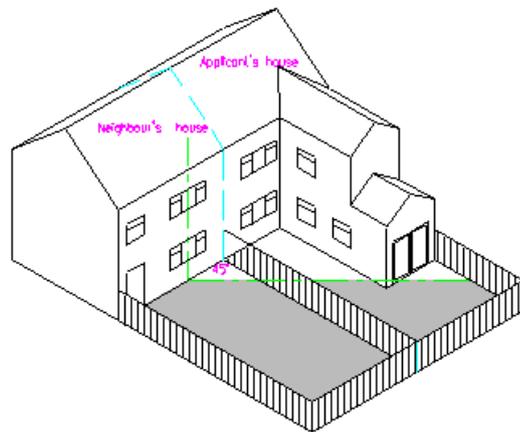
Extensions to terraced properties

- 3.57 In cases of older terraced properties, where the original building has an existing rear projecting 'wing' extension, it is not normally acceptable to build an extension which fills the gap between the two properties unless it does not break the 45 Degree Code line. Examples are shown.



This infill single storey extension breaks the 45 Degree Code line.

3.58 Single storey extensions at the end of the existing projecting 'wing' extension will be looked at on their own merits as long as they leave enough back garden space. See below. Two storey extensions are not normally acceptable.



The extension would need to ensure that the minimum 8 metre distance is exceeded as it breaks the 45 Degree Code line.

Additional factors to consider when applying the 45 Degree Code

3.59 The 45 Degree Code is simple to apply in most cases, but there are some circumstances, where it is not so simple to apply. Such circumstances include.

- If the ground level is different between properties appropriate allowances must be made.
- In some case, extensions may be considered overbearing or too dominant on the neighbouring property even though they comply with the Code. In these cases, planning permission may not be forthcoming.

3.60 The above is not an exhaustive list of circumstances. Each planning application is carefully considered on its own merits. However, this guidance is given in order to assist the applicant to decide whether or not planning permission may be easily obtained or not.

3.61 It should be note that the code will be applied with regard to all habitable room windows to the front and rear elevation of the affected property. In addition, the Code does not apply to windows in side elevations.

3.62 Staggering the design of an extension in attempt to conform to the Code would not be acceptable unless in exceptional circumstances. The design of any extension must take account of the architectural language and materials used in the main existing building. The extension must also be subservient to the main building. Angled walls on a new extension may only be acceptable if the main building has angled walls.

Joint extensions

3.63 If you and your neighbour submit joint planning applications for extensions which are of the same size and will be built at the same time, the extensions may be allowed even though they would breach the 45 Degree Code if they were built separately. In these cases, neighbours must confirm in writing that the extensions will be built at the same time. It is important to stress that in these cases the 45 Degree Code will also be applied in the normal way to any other neighbouring houses / flats that might be affected. Please note that entirely separate planning applications by each of two neighbours will not readily be supported, as the Council could not then ensure that both extensions would be completed simultaneously.

Wedge shaped extensions

3.64 Wedge shaped extensions can be detrimental to the street scene and the visual amenities of neighbouring residents. The construction of such extensions often creates an uncomfortable appearance particularly in the roof form of any construction. Particular care is needed to achieve an acceptable design. In prominent locations wedged shaped extension will rarely be acceptable.

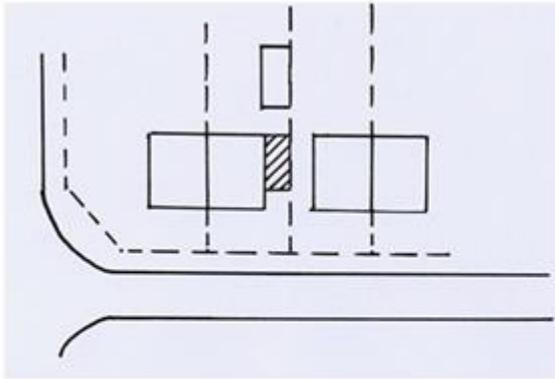
Continuous development on side boundaries

3.65 In some circumstances, extensions on, or close to, side boundaries can be detrimental to the amenity of neighbouring residential properties, if they result in long, continuous development along the side boundary, particularly where homes are in line. This can be worsened by two storey extensions and by extensions which link to an existing garage or outbuilding at the rear of the dwelling, filling in the entire gap, from the front of the property to a rearward garage. The excessive length and mass can be overbearing and result in an intrusive and over-intensive form of development, which would detract from the light, outlook and amenities of nearby residents to an unacceptable degree.

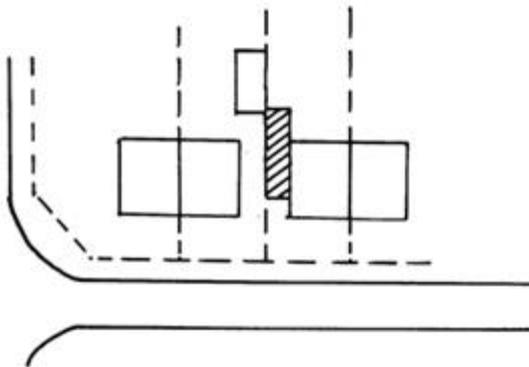
3.66 Such extensions can also be out of keeping with the existing form of development in established residential areas and cause harm to its character and appearance.

3.67 This overbearing impact can be reduced by limiting the two storey part of extensions to the same rear line as the original dwelling and by leaving a gap at the side / rear of the property, to give an open area adjacent to the side / rear of the neighbouring dwelling. Full two storey extensions may be acceptable but will have to mitigate any adverse effect upon the adjacent neighbour in terms of orientation to the sun, outlook and amenity.

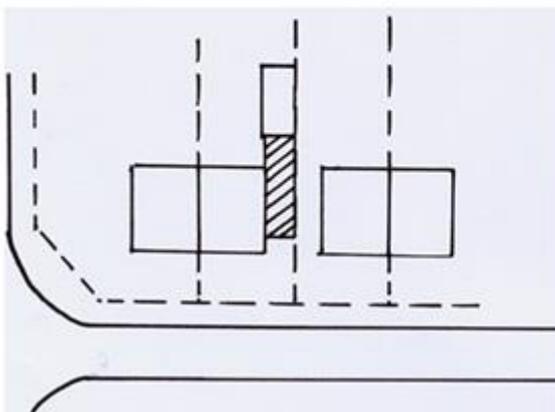
3.68 The diagrams below illustrate this.



Acceptable for single or two storey extension.



Acceptable for single storey extension.



Not acceptable for two storey extension.

- 3.69 In addition, two storey extensions on, or within one metre of, side boundaries will not readily be permitted if they project beyond the rear line of the original dwelling. Single storey extensions on, or within one metre of, side boundaries should not extend for an effective length of more than 3.5 metres beyond the rear of the original dwelling, including any existing development, where this would close the gap to the rear of the adjacent property. This applies to dwellings in line; side extensions to staggered dwellings will be considered on their merits.

Annexes

- 3.70 The Borough Council has seen a rise in applications for annexes / additional living units to existing residential properties, normally to house a dependent relative of the household. An applicant's proposals for 'granny annexes' are often driven by persuasive family circumstances. However, such personal circumstances can rarely be taken into account as a material planning consideration since the Council must

consider the future of any home over time and well beyond the life of the current household.

- 3.71 An annexe is an area of enlarged accommodation which is associated with, but not used as part of the main house. A proposal that forms its own entirely self-contained residential dwelling will not be considered an annexe. It will not be considered acceptable to create a separate unit with an independent entrance which could either be let or sold separately to the dwelling. The creation of a new habitable dwelling would require planning consent and would be subject to other planning restrictions and policy guidance.
- 3.72 In determining a planning application for an annexe, unless exceptional circumstances dictate otherwise, the Council will expect the development to:
- be linked internally to the main existing dwelling.
 - remain ancillary in form and function to the main existing dwelling.
 - have no boundary demarcation or sub division of garden areas between the curtilage of the main existing dwelling and the annexe.
 - have adequate parking and amenity facilities for the needs of the annexe occupants and other residents of the main household.
 - comply with the councils normal design standards for extensions.
 - share a pedestrian and vehicular access with the main existing dwelling.
 - be within the curtilage of the main existing dwelling.
 - be in the same ownership as the main existing dwelling.
 - be designed in such a manner as to easily enable the annexe to be used at a later date as an integral part of the main existing dwelling.
 - be used only by persons clearly associated with the occupants of the main existing dwelling.
- 3.73 Applicants should be aware that there may be other constraints which need to be considered on a case by case basis. Applicants will also need to comply with other relevant policies contained within the adopted Local Plan, such as, but not limited to, those related to housing allocation, conservation areas, listed buildings and development within areas at risk of flooding.

Parking, highway safety and garages

- 3.74 Unless a residential development would involve small dwellings in a Town Centre location where there are good and frequent public transport services (i.e. a 'sustainable location'), adequate off street car parking provision will be required for all new dwellings that are built or created within the Borough area. That new parking provision will meet the need to accommodate vehicles that are used in the short term, but also to meet any future need by future residents and visitors to the same premises. Over time such new provision will help to reduce reliance on unsightly on-street car parking, and will also reduce competition for the often very limited amount of on-street parking capacity that is available in a number of locations. By reducing on-street parking in some locations it may also help to improve road safety for pedestrians, cyclists and other road users.
- 3.75 Occasionally works within the curtilage of a dwelling may involve changes to the means of access or to the parking arrangements which have implications for highway safety. Development will not normally be acceptable where it would cause

an obstruction to sight lines at a junction. New garages or car ports, which give access to a public highway, should retain a driveway within the residential curtilage in order to enable a vehicle to stand clear of the highway whilst the garage doors are opened.

- 3.76 When assessing a proposal that has an impact on; parking, garaging and / or highway safety, Leicestershire County Council's most up to date adopted parking, garaging and highway safety standards will be taken into account. Account should also be taken of the guidance set out in the Manual for Streets 2 publication.

Garages in communal car parking areas

- 3.77 There are a number of areas in the Borough where the layout or density of residential development has resulted in car parking provision in communal areas. At the detailed planning stage, consideration is given to the design of parking areas so that they are adequately supervised, subject to public oversight and that trespass is discouraged. Communal car parking should not be subject to a higher risk of vandalism or auto-crime or become an unsafe area for those using the facility. Such communal car parking areas should ideally be designed, built and managed as part of the overall landscaping of the development as a whole. They should not be secreted away from the wider public domain.
- 3.78 In the past, some of the communal parking spaces have been used for the construction of single garages. Whilst this may provide enhanced security for the individual, it can result in hidden areas and create opportunities for crime. If natural surveillance is reduced, the potential for unlawful activities increases.
- 3.79 The erection of a garage on a single space can also reduce the effective width of adjoining spaces, as more space is needed to open a car door adjacent to a wall than over the edge of another parking space, thus making the spaces more difficult to use. This can result in additional, unnecessary on-street parking.
- 3.80 Individual garages, of differing types and materials in visually exposed areas, do not enhance residential environments and can cause loss of visual amenity.
- 3.81 The erection of individual garages on communal residential car parking areas will not be permitted unless in exceptional circumstances.

Infill and backland development in the Borough

- 3.82 Many of the issues which are relevant to extensions also apply to new residential development which is infilling between existing residential properties. Any infill development will need to conform to all of the relevant guidance set out within this document, as well as all other related planning policy and guidance.
- 3.83 Infill development can vary from single dwellings to small clusters of development. It can be located where there are large gardens or where an area of backland is accessible. In some cases it may involve wholesale redevelopment of a site within a residential area.
- 3.84 Individual plots should fit in with the existing street scene and should have an area, frontage and depth which are comparable with adjoining properties. New residential

homes should not be out of character or do harm to the locally distinctive character of the locality in which it is situated.

- 3.85 It will not be appropriate for small dwellings to be tucked into the grounds of larger homes and / or gardens.
- 3.86 In cases where backland infill is in principle appropriate, both the new and existing properties should have sufficient private amenity space to complement the design of the buildings in order to avoid a discordant streetscene or other harm to the locally distinctive character of the locality.
- 3.87 The design of the new dwelling(s) should not have a detrimental impact on the amenities of existing properties through the loss of light or privacy and should normally provide sufficient off street car parking and garden space to meet the needs of the new development.

Boundary treatments and frontage treatments

Arrangements for collection of Refuse and Recyclables

- 3.88 The Council operate a service to collect refuse and recyclables throughout the Borough for domestic premises (i.e. homes). This service is generally operated using 'Eurobins' which are of a standard or modular size. Ideally these should be stored in a convenient location at the rear of the home, before being placed temporarily on the street frontage ready for routine collection and emptying.
- 3.89 Leaving Eurobins on or near to the street frontage between collections can have a very detrimental effect upon the visual character of any street. This is particularly so when a number of nearby households behave in a similar way. Section 23 of The Building Act 1984 makes it an offence to 'close or obstruct the means of access by which refuse ... is removed from a building, and the local authority in giving their consent may impose such conditions as they think fit ...'
- 3.90 All new and existing homes throughout the Borough should have convenient and efficient arrangements for the storage and collection of refuse and recyclables. Proposals to extend or enlarge a home sometimes remove or obstruct the means of access to store refuse and recyclables out of sight at the rear or side of that home, so that the household are then only able to leave them permanently and visibly on or near to the street frontage.
- 3.91 If it is possible to do so in a visually acceptable and practical manner having regards to any competing needs for space in the front garden (such as off-street car spaces) then the Council may grant planning permission subject to a condition requiring prior provision of a suitably sized and visually acceptable 'bin store' structure near the street frontage. The location and appearance of any such bin store should be shown on submitted drawings to enable the Council to consider its implications, along with other aspects of that same proposal.
- 3.92 If in a particular case the visual and practical implications of a proposed bin store are in themselves unacceptable then the proposal as a whole might be refused planning permission due to the adverse visual impact of leaving multiple Eurobins visible from the street, in the absence of satisfactory means of access from the front

to rear/side of that enlarged home for the storage and removal of refuse and recyclables.

The Enclosure of Front Gardens

- 3.93 Boundary treatments (fences, walls and hedges) can have many functions. They are used to enclose garden areas around houses and to differentiate between public and private areas. The type of boundary treatment, its materials and its height help to define the character and appearance of an area.
- 3.94 When many estates in the Borough were given planning permission, to retain their 'open plan' appearance, the Council felt it appropriate to take away the permitted development rights by which fences and means of enclosure could be erected. However, the Council recognise the desire of householders for boundary demarcation of front gardens and as such low level (610 mm) boundary treatments will normally be acceptable on such estates. It will not normally be appropriate to allow higher fences (up to 1 metre) since there may not be adequate visibility at accesses, bends and corners to ensure that a satisfactory level of highway safety is achieved. When the original open plan estate layout was approved, visibility across the front garden areas would have been taken into account.
- 3.95 Where the permitted development rights have not been removed, a fence or other means of enclosure up to 1 metre high can be constructed along the highway boundary of a property without applying for planning permission and there is no restriction on the height to which a hedge or tree screen can grow. This permitted development maximum of 1 metre has been set in recognition that the front gardens of a property are normally regarded as only semi private open space because the landscaped area of a front garden and drive all contribute to the quality of the street scene. Taller, tree and hedge screens can provide more privacy without having an intrusive and detrimental impact on the street scene and are therefore acceptable.
- 3.96 The Council recognises the importance of security but considers that it is important to ensure that the visual appearance of the street scene is not harmed by the introduction of inappropriate walls/fences.
- 3.97 Throughout most of the Borough the Council considers that the most acceptable way to provide adequate security while retaining the quality of the street scene is for fences and walls (or combinations of them) abutting the highway to be restricted to 1 metre high unless the wall / fence is set back from the boundary by a metre and a landscape screen or hedge is grown in front of it. Where metal railings or gates are proposed immediately adjacent to a public footway the Council would strongly prefer that those are 'hoop topped' or interlocking hoop topped, to prevent any possibility of a penetrating injury to passing pedestrians, including school children. Such injuries have arisen from 'arrow head' railings in the past. Railings may be permitted along the boundary provided a landscape screen of the same or a greater height is allowed to grow through them. It may be necessary for pedestrian visibility splays to be provided at driveway entrances in the interest of highway safety.

Front boundary treatments in Oadby Hill Top

- 3.98 In the Oadby Hill Top Conservation Area and the adjoining streets which have a recognisable open character (The Broadway east from its junction with The Fairway

up to Manor Road, The Fairway eastwards from its junction with The Broadway including Ringers Spinney, Southmeads Close and Enysford Close) fences and / or walls will not be acceptable unless in exceptional circumstances. In these locations existing hedges shall be retained and where necessary reinforced.

- 3.99 In general the appearance of the boundary treatments of individual plots can be broken down into two broad types; (1) open, with the property bounded by a low wall or fence, this type of treatment is often backed by dense planting or; (2) enclosed, properties are bounded by hedges between 1.5 and 2 metres in height, these hedges may be backed by fences, walls or railings or have a low fence in front of them.
- 3.100 The street scene is made up of a mixture of this type of treatment. A predominance of either an open or enclosed frontage gives the street its general appearance and so it's locally distinctive character.
- 3.101 Enclosed boundaries by and large have a solid appearance, tall open railings and low walls surmounted by railings would therefore harm the locally distinctive character of the area. Only where this type of feature is backed by a solid screen of vegetation will it conform to the general appearance of the surrounding enclosures and not be objectionably intrusive.

The need to have regard to the character of an area

- 3.101 Where new walls or fences are proposed which require planning permission, the Council will ensure that the proposal will not have a detrimental impact on the visual environment and / or character of the area. Local Plan Policy 44, Landscape and Character requires all new development to have regard to the character and land use of the surrounding areas. This could mean, for example, that it would be inappropriate for new fencing to be installed adjoining the highway boundary in an area where all the nearby premises had walls / fences set back from the boundary.

Choice of materials

- 3.102 Where it is appropriate for new fencing or other boundary treatments to be granted planning permission, the Council will ensure that the impact of the new boundary treatment is as least detrimental to the visual environment and / or character of the area as possible. Local Plan Policy 6, High Design and Materials requires that the building design, scale, form and materials should contribute positively to the overall quality of the environment and that it should be carefully related to existing development.
- 3.103 The choice of materials is particularly important when fences or walls are constructed. The materials should be chosen to give a pleasant appearance and identity to the scheme. They should be of a permanent texture and colour and should be designed for external use. The use of materials like galvanised metal will not be appropriate. 'Hoop topped' metal fences will need to be painted, preferably by treatment before they are erected. Walls will not be acceptable in common brick and long expanses of brick wall will need the introduction of brick detailing features to provide visual interest. Additionally, gates, both pedestrian and vehicular need to be taken into account when considering materials.

Landscaping

3.104 A landscaping scheme should be provided where the characteristic front garden boundary treatments proposed are set off from the site boundaries. This will avoid the need for pre-commencement conditions where the Council has made a favourable approval of the proposed scheme.

Housing Choices and Housing Standards

3.105 The Borough of Oadby and Wigston's new Local Plan provides details about the Council's commitment to providing new homes that are 'fit for purpose' and appropriate for modern living and requirements. The Council will therefore require all new homes, regardless of type or tenure, to be of a size that allows sufficient space for all of its proposed inhabitants to live comfortably and sustainably in the future.

3.106 Recognising that the Council has in recent times received a number of planning applications seeking to sub-divide, convert and / or change the use of existing properties into flats / apartments that are not of a size that is suitable for modern-day living standards, the Council's new Local Plan Policy on Housing Choices states that there is a requirement for applicants to take the Government's Technical Housing Standards into account when devising residential schemes that involve conversion, sub-division and / or changes of use. The Council will also use the Government's Technical Housing Standards to inform the planning application decision making process.

3.107 The Government's Technical Housing Standards sets out minimal space standards for all dwelling types and therefore, applicants seeking to convert, change the use of, and / or, to sub-divide existing buildings must conform to and satisfy these space standards.

3.108 In any submitted planning application that proposes the conversion, sub-division and / or change of use of an existing building (in any use) to a residential dwelling and / or dwellings, it is for the applicant to provide the Council with all the appropriate information to make an informed planning decision. Appropriate information must be provided for each of the proposed dwellings and must include, but is not limited to;

- The total gross internal floor area of the entire dwelling (sqm).
- The total number of bedrooms within the dwelling.
- The gross internal area of each room in the dwelling (sqm).
- The number of persons to be using each bedroom.
- The total gross area of built in storage within the dwelling.

3.109 In the absence of the appropriate information, the Council holds the right to, either;

- Refuse planning permission on the grounds that the information submitted is not sufficient to make an informed and robust planning decision, or
- Make informed presumptions on what the appropriate information would be, and make a planning decision based on those presumptions.

Statement of Community Involvement Document

Public Consultation Statement 2018

1 Introduction

- 1.1 This Public Consultation Statement (Statement) has been prepared in support of the Council's revised Statement of Community Involvement Document (SCI) that was publically consulted upon between midday Monday 8th October 2018 and midday Monday 19th November 2018.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
 - The persons that the Council consulted during the abovementioned 6 week public consultation;
 - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
 - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets out a summary of all of the comments received during the public consultation period and Council officer responses to each of these comments.

2 Public consultation period

- 2.1 A public consultation for the revised SCI was undertaken by the Council during October and November 2018. The specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the revised SCI.
- 2.3 The SCI sets out the Council's approach / requirement to involving and consulting local people and stakeholders in planning related document production, for example SPD's.
- 2.4 In line with requirements, the following persons and bodies were notified via letter, of the consultation that was taking place;
 - Duty to Cooperate partners
 - Specific Consultation bodies
 - General Consultation bodies, and
 - Other stakeholders held on the Local Plan consultation database.
- 2.5 Due to the content of the SCI, the Council also invited representation from local groups and civic societies, due to the role that they play within the local community.
- 2.6 The notification letter explained;
 - The purpose of the consultation
 - How to find further information
 - The consultation period
 - How to make representations, and
 - How a person or body could be added to the Council's Local Plan consultation database.
- 2.7 In addition to the notification letter, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; made available for inspection hard copies of all relevant information and documentation at the Council's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

3 Summary of the main issues raised

- 3.1 A total of three persons / bodies submitted representations to the Council relating to the revised SCI. Representations were received from Natural England, the Environment Agency, and Severn Trent Water.
- 3.2 There were no key topics or main issues raised within any of the representations received. Both the Environment Agency and Severn Trent Water made no specific comment, whilst Natural England supported the principle of meaningful and early engagement.
- 3.3 A summary of the representations received and the Council's officer responses to each of the representations are attached in Appendix One.

4 How the issues raised have been addressed

- 4.1 With none of the representations received requiring amendments to the revised SCI, there will be no changes made to the consultation document.

Appendix One – summary of comments received during the consultation period and officer responses

Name of person / body submitting comment	Date on which comment was received	Nature of comment received	Officer response to comment received
Natural England	25 / 10 / 2018	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.	The Council acknowledges Natural England's support.
Natural England	25 / 10 / 2018	We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals .	The Council acknowledges Natural England's comment.
Severn Trent Water	12 / 11 / 2018	Thank you for the opportunity to comment on your consultation. We currently have no specific comments to make, but please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.	The Council acknowledges Severn Trent Waters comment.
Environment Agency	19 / 11 / 2018	We have no specific comments to make on the current submission however we do look forward to any further consultations from your Authority in your Plan Making process.	The Council acknowledges the Environment Agency's comment.

Developer Contributions Supplementary Planning Document

Public Consultation Statement

2018

1 Introduction

- 1.1 This Public Consultation Statement (Statement) has been prepared in support of the Council's Developer Contributions Supplementary Planning Document (SPD) that was publically consulted upon between midday Monday 8th October 2018 and midday Monday 19th November 2018.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
 - The persons that the Council consulted during the abovementioned 6 week public consultation;
 - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
 - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets out a full summary of all of the comments received during the public consultation period and Council officer responses to each of these comments.

2 Public consultation period

- 2.1 A public consultation for the Developer Contributions Supplementary Planning Document was undertaken by the Council during October and November 2018. The specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the Council's Statement of Community Involvement (SCI).
- 2.3 The Developer Contributions Supplementary Planning Document sets out the Council's approach to seeking planning obligations from new developments in the Borough, in the absence of a Community Infrastructure Levy (CIL) Charging Schedule.
- 2.4 In line with statutory and locally determined requirements, the following persons and bodies were notified via letter, of the consultation that was taking place;
- Duty to Cooperate partners
 - Specific Consultation bodies
 - General Consultation bodies, and
 - Other stakeholders held on the Local Plan consultation database.
- 2.5 Due to the content of the SPD, the Council also invited representation from local groups and civic societies, due to the role that they play within the local community.
- 2.6 The notification letter explained;
- The purpose of the consultation
 - How to find further information
 - The consultation period
 - How to make representations, and
 - How a person or body could be added to the Council's Local Plan consultation database.
- 2.7 In addition to the notification letter, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; made available for inspection hard copies of all relevant information and documentation at the Council's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

3 Summary of the main issues raised

- 3.1 A total of six persons / bodies submitted representations to the Council relating to the Developer Contributions Supplementary Planning Document, together with internal comments from Officers from Oadby and Wigston Borough Council. Representations were received from Barton Wilmore on behalf of Co-Operative Group Limited; East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG); the Environment Agency; Natural England; Severn Trent Water; and, Sport England.
- 3.2 Representations from the Environment Agency, Natural England and Severn Trent Water made no specific comment.
- 3.3 A summary of the representations received and the Council's Officer response to each of the representations are attached in Appendix One.
- 3.4 In summary, the key issues raised in the submitted representations included:
- The justification for the absence of a specific evidence based assessment, in the form of a viability assessment, underpinning the figures included within this Developer Contributions Supplementary Planning Document;
 - The justification for the Council seeking a Monitoring Fee to cover its administrative costs to monitor the collection and expenditure of planning obligations from new developments;
 - The justification for the Council seeking a contribution towards the capital cost for providing Household and Recycling Waste Bins (two bins) for every net additional new dwelling in the Borough; and,
 - A suggestion by Officers to strengthen references to Sport England's 'Active Design' concept, which encourages developers to facilitate active lifestyles as part of the planning and design phase for all new developments in the Borough.

4 How the issues raised have been addressed

- 4.1 The Monitoring and Enforcement section of the SPD will be amended to reflect representations submitted by Barton Wilmore and to implement fixed Monitoring Fees. These fees will fairly reflect the scale and kind of development, as well as the anticipated cost to the Council to monitor the Local Authority's estimated costs for monitoring the obligations over the lifetime of the development, as opposed to a percentage of the contributions sought.
- 4.2 Appendix 1 and the CIL Compliance Checklist Form, as referenced in several sections of the SPD, will be updated to explicitly state that all planning obligations sought by providers via a Section 106 Agreement must be accompanied by a completed CIL Compliance Checklist Form for the Borough Council to consider and approve via its internal Section 106 Working Group and Senior Management Team.
- 4.3 Paragraph 4.50 within the Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) section will be amended to make reference to Sport England's 'Active Design' initiative, which seeks to encourage more active lifestyles through good design of new developments.
- 4.4 The 'Waste: Household and Recycling Receptacles' section, together with 'Appendix 2: Household Waste and Recycling Receptacles Unilateral Undertaking' will be deleted. This decision reflects representations submitted by Barton Wilmore, together with a review of legislation contained within the Environmental Protection Act (1990).
- 4.5 To provide applicants / developers with greater levels of clarity about the levels of off-site financial contributions expected of them from new developments, an additional Appendix will be created to illustrate the level of each contribution per dwelling size, in each Ward within the Borough. Reference to this additional Appendix will be added to paragraph 4.72 within the SPD.

Appendix One – summary of comments received during the consultation period and Officer responses

Name of person / body submitting comment	Date on which comment was received	Nature of comment received	Officer response to comment received
East Leicestershire and Rutland Clinical Commissioning Group	09 / 10 / 2018	We would always want Healthcare to be on the agenda for any and all Local Plans. The clauses built into the SPD are satisfactory.	The Council acknowledges East Leicestershire and Rutland Clinical Commissioning Group's comment.
Natural England	25 / 10 / 2018	Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment. Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.	The Council acknowledges Natural England's comment.
Sport England	31 / 10 / 2018	It is not clear if the community facilities section includes indoor sports facilities. It is recognised that currently the services / facilities required have been provided. However Sport England recommends that a built sports facility strategy is undertaken to fully understand the impacts of future growth and how that additional growth would impact upon existing facilities. This could include	<p>The Council acknowledges Sport England's comment.</p> <p>Whilst preparing the evidence base for the emerging New Local Plan, the Council engaged with Sport England regarding their National Facilities Planning Model and it was agreed, via a Statement of Common Ground, that the projected levels of growth in the Borough up to 2031 could be accommodated by the existing built facilities, including Swimming Pools and Sports Halls.</p> <p>Therefore, the Council is satisfied that it can cater for any additional demand for its existing build</p>

		<p>maintenance, upgrades and additional capacity needs. The BFS should also provide and understand of the full range of sports facilities accessible by the community not just those operated by the council (or a representative body) such as schools, universities, sports clubs and the private sector.</p>	<p>sporting facilities up to 2031.</p> <p>When the Council is in a position whereby it will have to review the New Local Plan and give due consideration to projected levels of growth from 2031 and beyond, the Council will seek to engage with key stakeholders, including Sport England, and will revisit the assessment of whether or not a Built Facilities Strategy will be required. If a Built Facilities Strategy is required, its production will be achieved through close liaison with Sport England.</p>
Sport England	31 / 10 / 2018	<p>The references to and use of the Playing Pitch Strategy is supported as you are aware Sport England believes that the Playing Pitch New Development Calculator is a robust method of calculating the demand created from a residential development which is derived from the locally specific information and evidence provided by the PPS. However we understand the reasons for progressing with your preferred approach at this stage, which involves generating a sum and then applying the PPS to work out the appropriate projects.</p>	<p>The Council acknowledges Sport England's comment.</p> <p>The Council endeavours to continuously work closely with Sport England moving forwards and will seek to ensure that the approach it takes to seeking planning obligations towards sporting facilities is always robust, locally justified and CIL compliant.</p>
Barton Wilmore on behalf of Co-Operative Group Limited	12 / 11 / 2018	<p>Evidence Base</p> <p>We are concerned that the draft SPD is not underpinned by an evidence base in order to support the various figures and assumptions that are</p>	<p>The Council acknowledges Barton Wilmore's comments.</p> <p>In preparation of the Council's new Local Plan, both an Affordable Housing Viability Assessment and a Whole Plan Viability Assessment have been produced. In short, the outcome of these</p>

		<p>made within it. As such, it is unclear how the stated figures can be appropriately justified. The Council must consult on the evidence base that underpins the contributions sought and the assumptions made within the draft SPD in order for the document to be afforded full weight in decision-making once it is adopted, and to comply with CIL Regulation 122. A failure to adequately justify the draft SPD at the consultation stage will reduce the extent to which it can be considered a robust document in the decision-making process.</p> <p>We do, however, note that a caveat has been included which states that all contribution requests need to be adequately justified and must satisfy Regulation 122 of the CIL Regulations (Paragraph 4.2 of the SPD). This is supported by our Client; but does not negate the need to evidence appropriately the content of the SPD, which is currently lacking.</p>	<p>assessments is that the planned levels of growth, together with the policy requirements set out within the New Local Plan, are viable.</p> <p>As the new Local Plan is the key overarching planning policy document for the Borough and the SPD only contains supplementary guidance, it is considered that there is no requirement to undertake any specific additional viability assessment work for this SPD.</p> <p>In addition to this, as per paragraph 4.59 in the draft Developer Contributions Supplementary Planning Document, the costs included in the Council's previously published Developer Contributions Supplementary Planning Document (2011) have not been reviewed since Quarter 4 in 2011. Since that time, the BCIS All-In Tender Price Index has risen by approximately 40.80 per cent from 223 (Q4, 2011) to 314 (Q2, 2018). Therefore, the increase in contributions to be sought from new development in this Borough will now be based upon up to date costs, in accordance with the Council's Grounds Maintenance Supervisor's records of capital and maintenance costs, together with the Building Cost Information Service (BCIS) All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture.</p> <p>Draft Policy 46 of the Council's new Local Plan is definite in its approach and will only seek contributions that are in accordance with the CIL Regulations.</p>
Barton Wilmore on behalf of Co-Operative Group Limited	12 / 11 / 2018	Section 106 Monitoring Charges	The Council acknowledges Barton Wilmore's comments.

		<p>Our Client's principal concern with the Draft SPD is the proposed charge for S106 monitoring and enforcement, as identified in Paragraph 3.29 of the SPD, which states:</p> <p><i>"the Council will seek a flat rate payment of £500 per legal agreement or 4% of the total value (whichever is the greater) of the planning obligation(s) payable to Oadby and Wigston Borough Council. Where there is no quantifiable monetary value to the planning obligations owed to the Borough Council, a flat rate of £500 will be payable".</i></p> <p>A High Court ruling in 2015 - <i>Oxfordshire County Council v Secretary of State for Communities and Local Government and Others</i> [2015] - concluded that S106 monitoring fees did not meet the statutory tests for planning obligations under CIL Regulation 122 and would rarely be justified. This position has been confirmed in a number of subsequent appeal decisions where this matter has been challenged. The role of monitoring, in accordance with the aforementioned judgment,</p>	<p>The High Court ruling in 2015 between <i>Oxfordshire County Council and Secretary of State for Communities and Local Government and Others</i> has been taken into account by the Council and therefore, the Council has subsequently not sought a monitoring fee to cover its administrative costs for signed legal agreements in recent years.</p> <p>However, in the Ministry of Housing, Communities and Local Government's publication, 'Government response to supporting housing delivery through developer contributions' Paragraph 53 states that: 'The Government also recognises the need to address existing uncertainty around using section 106 planning obligations to collect monitoring sums. The Government therefore intends to take forward proposals to make clear that local authorities can seek a fee from applicants towards monitoring planning obligations. In developing these proposals, the Government will consider how best to ensure that monitoring sums are set at an appropriate level'.</p> <p>Therefore, the Council's rationale for the inclusion of monitoring fee rates of £500 per legal agreement or 4% of the total value of contributions sought by Oadby and Wigston Borough Council (whichever is the greater) is to incorporate a variance in fees sought to recognise that the greater the size of the new development, there will be a higher financial and administrative burden placed upon the Council in terms of Officer-time to monitor, manage and implement expenditure of planning obligations.</p> <p>However, as Barton Wilmore suggest in their submitted representation, the Council has reviewed this and acknowledge that £500.00 or 4% (whichever the greater) could potentially be a</p>
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		<p>falls under the administrative process for which LPAs receive funding from general taxation. In the instances where enforcement of S106 provisions is necessary, a LPA can recover any associated costs in any event under existing legislation (subsections (5) and (6) of S106 Town and Country Planning Act (1990)) and it is common practice for S106 agreements to include clauses that make provision for a LPA to recoup the legal and administrative costs of enforcing obligations where reasonably incurred.</p> <p>Notwithstanding the above, the proposal to seek fees of either £500, where there is no monetary value to the obligations, or 4% of the total value of obligations is arbitrary and is completely unjustified. There is simply no evidence to suggest that the sums are justified as a fee which reflects the actual cost of monitoring or enforcement and, therefore, it is impossible to conclude that such a fee is fairly and reasonably related in kind to the development and necessary to make a development acceptable in</p>	<p>significant additional financial burden placed upon the viability of a new development scheme.</p> <p>Giving consideration to the amount of Officer(s) time and resources required to monitor, manage and implement expenditure of planning obligations via the Council's monthly Section 106 Working Group and implement the delivery of Community Infrastructure Levy (CIL) compliant infrastructure schemes, the Council considers that the following monitoring fees should be applied to all legal agreements that include monetary and non-monetary planning obligations to be paid to or be of benefit to the Borough Council:</p> <table border="1" data-bbox="1420 662 1953 1177"> <thead> <tr> <th>No. of Dwellings (net additional units)</th> <th>No. of Hours Monitoring at £50.00 per hour</th> <th>Monitoring fee (£) to be paid to OWBC</th> </tr> </thead> <tbody> <tr> <td>0 - 11</td> <td>Nil</td> <td>Not applicable.</td> </tr> <tr> <td>12 - 25</td> <td>0 - 5 hours</td> <td>£250.00</td> </tr> <tr> <td>26 - 50</td> <td>6 - 10 hours</td> <td>£500.00</td> </tr> <tr> <td>51 - 100</td> <td>11 – 15 hours</td> <td>£750.00</td> </tr> <tr> <td>101 +</td> <td>16 – 20 hours</td> <td>£1,000.00</td> </tr> </tbody> </table> <p>For all new non-domestic developments where planning obligations are to be sought, and / or for all other legal agreements (e.g. Unilateral Undertakings entered into by the applicant) that include monetary or non-monetary obligations to be paid to or be of benefit to the Council, a standard</p>	No. of Dwellings (net additional units)	No. of Hours Monitoring at £50.00 per hour	Monitoring fee (£) to be paid to OWBC	0 - 11	Nil	Not applicable.	12 - 25	0 - 5 hours	£250.00	26 - 50	6 - 10 hours	£500.00	51 - 100	11 – 15 hours	£750.00	101 +	16 – 20 hours	£1,000.00
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51 - 100	11 – 15 hours	£750.00																			
101 +	16 – 20 hours	£1,000.00																			

		<p>planning terms.</p> <p>In the case of large development schemes, where contributions towards such items as education provision, off-site highway infrastructure works and sustainable transport initiatives, can run to many hundreds of thousands of pounds, if not millions, this means that the proposed fee level of 4% could be a significant burden for developers to the detriment of the viability of the scheme. There is <u>no</u> evidence that the Council has undertaken such a viability analysis of the implications of this proposal. On the basis of the matters highlighted above, the proposed monitoring and enforcement charges cannot be considered compliant with CIL Regulation 122.</p>	<p>monitoring fee of £250.00 per agreement will be applied.</p> <p>The rationale behind the monitoring fees sought is that these fairly reflect the scale and kind of development, as well as the anticipated cost to the Council to monitor the Local Authority's estimated costs for monitoring the obligations over the lifetime of the development, as opposed to a percentage of the overall contributions sought.</p> <p>Each Section 106 Working Group, as well as the additional work required by Officers to input and oversee that group; and, Officer time necessary to carry out that function is, on average, calculated at £50.00 per hour (collectively). Having reviewed the number of hours taken to monitor various applications and their associated obligations in the recent past, the Council considers that the larger development schemes with higher levels of planning obligations are more onerous than smaller-scale developments with fewer / lower levels of planning obligations.</p> <p>Therefore, overall, the Council considers that it is appropriate to seek a range of fees, depending on the scale of the development and the expected time to oversee the monitoring and expenditure of planning obligations as agreed as part of the associated legal agreement.</p> <p>The Council is of the view that the revised approach is more reasonable, and that the monitoring fees to be sought directly relate to the scale of new developments proposed and the costs incurred by the Council to monitor the obligations sought from each new development.</p>
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			<p>Finally, this approach is aligned with the Ministry of Housing, Communities and Local Government's recently published 'Reforming Developer Contributions: Technical Consultation on Draft Regulations' (December 2018) that sets out various proposals, including clarifications over how and when local authorities can seek monitoring fees for the administrative costs for its costs.</p> <p>Should the approach from the Ministry of Housing, Communities and Local Government alter in any way moving forwards, the National Planning Policy or Guidance on this matter will supersede the approach as set out in the Developer Contributions Supplementary Planning Document.</p>
Barton Wilmore on behalf of Co-Operative Group Limited	12 / 11 / 2018	<p>Other Matters</p> <p>It is noted that the draft SPD also seeks to include a requirement for developers to fund the cost of two wheelie bins per dwelling. It is our position that this should not be a requirement for developers, rather it is within the Council's public function to allow for known or expected household formation, for which funds are raised through general taxation and Council Tax receipts. The same applies to large housing developments and waste collection vehicle fleets.</p> <p>We trust the above comments</p>	<p>The Council acknowledges Barton Wilmore's comments.</p> <p>The capital cost per additional new dwelling in the Borough for two new Household and Recycling Waste Bins (£40.00 per net additional dwelling) is not a cost that is funded through general taxation and Council Tax receipts, and therefore, the fee to cover the cost of both Wheeled Bins per additional dwelling is currently being met as an additional cost to the Council.</p> <p>The Environmental Protection Act (1990), c. 43, Part II Waste on Land, Collection, disposal or treatment of controlled waste, Section 46 (3) (a to d) suggests that in circumstances where the Local Authority requires separate compartments or receptacles to be used for waste collection, the authority should either provide these free of charge, or, that in 'agreement with the occupier', the occupier should either pay the Local Authority to</p>

		<p>are of assistance and that our Client's representations will be duly taken into consideration. We would also welcome the opportunity to discuss the matters raised in further detail with Officers in order to assist the process further.</p>	<p>provide the bins or should provide them themselves.</p> <p>https://www.legislation.gov.uk/ukpga/1990/43/part/II</p> <p>Therefore, having reviewed the Environmental Protection Act, the Council is of the view that the £40.00 fee for providing two new Wheelie Bins per net additional dwelling should not be met by the developer and that the Council will continue to provide the new Household and Recycling Waste Wheelie Bins at its own cost.</p> <p>Therefore, paragraphs 4.79 to 4.86, together with 'Appendix 2: Household and Recycling Receptacles Unilateral Undertaking' will be deleted from the Developer Contributions Supplementary Planning Document.</p>
Severn Trent Water	12 / 11 / 2018	<p>Thank you for the opportunity to comment on your consultation. We currently have no specific comments to make, but please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p>	<p>The Council acknowledges Severn Trent Waters comment.</p>
Environment Agency	19 / 11 / 2018	<p>We have no specific comments to make on the current submission however we do look forward to any further consultations from your Authority in your Plan Making process.</p>	<p>The Council acknowledges the Environment Agency's comment.</p>
Oadby and Wigston Borough	19 / 11 / 2018	<p>Paragraphs 3.3, 4.36, 4.40</p>	<p>The Council acknowledges these Officer</p>

Council – Officer Comments		<p>and Appendix 1: CIL Compliance Checklist Form</p> <p>To ensure that all planning obligations sought via Section 106 Agreements comply with the three CIL Tests as per Regulation 122(2), a CIL Compliance Checklist Form should be submitted by all signatory and non-signatory organisations, and the Council’s internal procedure to verify their compliance must be followed in relation to each obligation sought.</p> <p>Therefore, the wording of Paragraphs 3.3, 4.36, 4.40 and Appendix 1 must be altered to reflect this position.</p> <p>In addition to that, in accordance with the General Data Protection Regulation (GDPR), it is not appropriate to include signatures within the published CIL Compliance Checklist Form, and therefore, this should be replaced with ‘Job Title’ and an additional box for ‘Initials’ should be added to the Form in Appendix 1.</p>	<p>comments.</p> <p>Paragraphs 3.3, 4.36, 4.40 and the CIL Compliance Checklist Form as per Appendix 1 will be amended to reflect these comments.</p>
Oadby and Wigston Borough Council – Officer Comments	19 / 11 / 2018	Paragraph 4.44	The Council acknowledges these Officer comments.

		It would be appropriate to make reference to Leicestershire County Council's emerging draft updated Planning Obligations Policy Document, currently on public consultation.	<p>Noted and agreed.</p> <p>The following sentence will be added to paragraph 4.44:</p> <p><i>'Please note, at the time of drafting this SPD, Leicestershire County Council were undertaking a public consultation on an updated Planning Obligations Policy Document and therefore, applicants are advised to contact the County Council directly when assessing site viability, incorporating anticipated planning obligations.'</i></p>
Oadby and Wigston Borough Council – Officer Comments	19 / 11 / 2018	<p>Paragraph 4.50</p> <p>It may be beneficial to make reference to Active Design by Sport England in the context of how good design can encourage active lifestyles as part of existing and new developments.</p>	<p>The Council acknowledges these Officer comments.</p> <p>A sentence to reflect this comment will be incorporated into paragraph 4.50 to encourage good design to help facilitate more active lifestyles as part of new developments.</p>
Oadby and Wigston Borough Council – Officer Comments	19 / 11 / 2018	<p>Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure)</p> <p>Paragraph 4.72 and suggested additional Appendix (2)</p> <p>To make the required planning obligations per dwelling for this typology of contribution more transparent for applicants, it would be beneficial for all parties if the</p>	<p>The Council acknowledges these Officer comments.</p> <p>Noted and agreed.</p> <p>An additional sentence will be added to 4.72 to read:</p> <p><i>'Reflecting Table 7, Appendix 2 illustrates the off-site financial contributions expected, based upon the specific dwelling size, on a ward by ward basis.'</i></p> <p>An Appendix 2 will be included in the SPD and referenced in the Contents Page as:</p>

		<p>maximum contribution per dwelling size, for each ward, was to be set out in a new Appendix 2 at the back of the document, and that reference to that section be included within Paragraph 4.72.</p> <p>The main benefit of doing so will be that applicants and developers will be able to calculate the likely developer contributions to be sought from their scheme and build those costs into their Site Viability Appraisal from the outset.</p>	<p><i>'Appendix 2: Ward by Ward Open Space, Sport and Recreation Facilities (incorporation Green Infrastructure) contributions per dwelling (based upon number of bedrooms).'</i></p> <p>Appendix 2 will illustrate to the reader what the maximum contribution per dwelling size will be, for each Ward, within the Borough.</p>
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Conservation Areas Supplementary Planning Document

Public Consultation Statement 2018

1 Introduction

- 1.1 This Public Consultation Statement (Statement) has been prepared in support of the Council's revised Conservation Areas Supplementary Planning Document (SPD) that was publically consulted upon between midday Monday 8th October 2018 and midday Monday 19th November 2018.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
 - The persons that the Council consulted during the abovementioned 6 week public consultation;
 - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
 - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets out all of the comments that were received during the public consultation period and Council officer responses to each of these comments.

2 Public consultation period

- 2.1 A public consultation for the revised Conservation Areas SPD was undertaken by the Council during October and November 2018. The specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the Council's Statement of Community Involvement (SCI).
- 2.3 The SCI sets out the Council's approach / requirement to involving and consulting local people and stakeholders in planning related document production, for example SPD's.
- 2.4 In line with requirements, the following persons and bodies were notified via letter, of the consultation that was taking place;
- Duty to Cooperate partners
 - Specific Consultation bodies
 - General Consultation bodies, and
 - Other stakeholders held on the Local Plan consultation database.
- 2.5 Due to the content of the Conservation Area SPD, local historic groups and civic societies were also consulted due to their specific local historic knowledge.
- 2.6 The notification letter explained;
- The purpose of the consultation
 - How to find further information
 - The consultation period
 - How to make representations, and
 - How a person or body could be added to the Council's Local Plan consultation database.
- 2.7 In addition to the notification letter, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; made available for inspection hard copies of all relevant information and documentation at the Council's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

3 Summary of the main issues raised

- 3.1 A total of six persons / bodies submitted representations to the Council relating to the revised Conservation Areas SPD. Representations were received from Natural England, the Environment Agency, Severn Trent Water, the Leicestershire County Council Principal Historic Buildings Officer, Wigston Civic Society, and Montagu Evans on behalf of the University of Leicester.
- 3.2 The key topics / main issues raised were:
- Consistency in references to Locally Listed Buildings and Significant Local Buildings...the latter being out of date.
 - Consistency with new national planning policy and guidance
 - Throughout the document minor additional wording amendments / inclusions, to add clarity to the reader.
 - Set out the Technical Housing Standards within the document in relation to the conversion of existing buildings to residential.
 - Amend the wording of the paragraphs relating to demolition of buildings within a Conservation Area. The previous bulleted assessment criteria relating to demolition was suggested to be over prescriptive and not in line with current national policy and guidance.
 - Why the Council has a general presumption against the change of use and or the demolition of buildings within a Conservation Area...is this justified?
 - Within references to the subdivision of plots, the wording should be amended to include reference to proposals should be dealt with on a case by case basis.
 - Within references to trees and landscaping, specifically (at paragraph 13.2) important trees and the location / situation new development, the wording should be amended to include... *'unless it can be robustly demonstrated that the new building will not have a detrimental impact on the tree'*.
- 3.3 A full summary of the representations received and the Council's officer responses to each of the representations are attached in Appendix One.

4 How the issues raised have been addressed

- 4.1 Taking account of the comments received during the public consultation, amendments have been made to the SPD document. There were a number of minor wording amendments relating to clarity, repetition and grammar, with some more significant changes. The more significant changes are summarised below.
- 4.2 All references to Conservation Area Consent have been removed from the document, as demolition of a building, requires planning permission.
- 4.3 The bulleted criteria set out within Chapter 3 of the SPD has been removed. Having considered the comments received it was considered that the bulleted criteria was not in line with policy set out within the Council's Local Plan. Reference is now made within the SPD to the relevant Local Plan policy.
- 4.4 Reference has also been made within the SPD to the Technical Housing Standards that are set out within the Council's Local Plan in relation to conversion, sub-divisions and / or changes of use from a building other than residential, to residential.
- 4.5 Paragraph 3.1 of the SPD has been amended to be more consistent with national policy and guidance, as well as local policy and guidance. Rather than having a '*general presumption against demolition*', the wording states that there will be a '*general presumption in favour of retention and preservation*'.
- 4.6 Paragraph 13.12 has been amended to suggest that new buildings will not be permitted in close proximity to important trees unless it can be robustly demonstrated that the new building will not have a detrimental impact on the important tree in question.

Appendix One – comments received during the consultation period and officer responses

Name of person / body submitting comment	Date on which comment was received	Nature of comment received	Officer response to comment received
Leicestershire County Council Principal Historic Buildings Officer	13 / 11 / 2018	Thank you for sending me the link to your consultation document. As you are aware I consider that your supplementary guidance in respect of your several conservation areas is better than that found in other districts.	The Council welcomes Leicestershire County Council's support.
Leicestershire County Council Principal Historic Buildings Officer	13 / 11 / 2018	<p>We could see if the document ought to be amended slightly to take account of changes that have taken place since it was last reviewed or in response to current development pressures – I am aware that Oadby Hill Top is a particular 'hotspot'.</p> <p>We could also check whether the relevant legislation or National Planning Policies are correct. I noticed for example reference is made to Conservation Area Consent but I believe this was abolished and replaced with a requirement for planning permission to demolish a building in a conservation area in 2013 as part of the Enterprise and Regulatory Reform Act.</p>	<p>The Council acknowledges Leicestershire County Council's comment and will continue to liaise closely with them.</p> <p>Any references to national policy and / or legislation will be updated as appropriate. The Council is aware that the reference to Conservation Area Consent for demolition is out of date and will amend the SPD accordingly.</p>
Natural England	14 / 11 / 2018	Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character,	The Council acknowledges Natural England's comment.

		<p>green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	
Natural England	14 / 11 / 2018	<p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	<p>The Council acknowledges Natural England's comment.</p> <p>In preparation of the Council's new Local Plan, both a Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken, in consultation with Natural England. In short, the outcome of both assessments was that there would not be any significant environmental effects. As the new Local Plan is the key overarching planning policy document for the Borough and the SPD only contains supplementary guidance, it is considered that there is no requirement to undertake any additional SEA and / or HRA assessment work for this SPD.</p>
Wigston Civic Society	18 / 11 / 2018	Paragraph 6.2 – concerning the	The Council acknowledges

		<p>removal of owners permitted development rights by an Article 4 Directive:</p> <p>It should be stated that the list given is not exhaustive and each case will be considered on its merits.</p>	<p>Wigston Civic Societies comment.</p> <p>The text will be amended to say <i>'the types of development which might be controlled would include but is not limited to:</i></p>
Wigston Civic Society	18 / 11 / 2018	<p>Paragraph 8.10 – concerning the Corner green space on Bushloe End:</p> <p>This space needs to be more clearly identified and presumable means the space on the corner of Bushloe End and Launceston Road.</p> <p>Also the following should be included:</p> <p>The development of rear gardens of properties within the conservation area fronting onto Moat Street and Newgate End will not be permitted. This is because the property at Barrack Yard was recently on the market as a development opportunity, these properties have long rear gardens.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The text will be amended to add clarification. The text will state that the green space is on the corner of Bushloe End and Launceston Road.</p> <p>The Council acknowledges Wigston Civic Societies comment. The Council's new Local Plan (and relevant national policy) sets out a number of policies that seek to effectively manage development within the Borough. In addition to planning policy, the Council produces a number of other evidence base and guidance documents, ensuring that any development occurring is in keeping / character with the area in which it is proposed. The Council considers that the proposed amendment is not appropriate for</p>

			this SPD guidance document, as there is currently sufficient levels of protection set out within relevant planning policy which seeks to restrict inappropriate development proposals.
Wigston Civic Society	18 / 11 / 2018	<p>Paragraph 14.17 – ‘Planning permission will not be approved to remove such shop fronts’</p> <p>The shop fronts that are to be retained should be individually identified.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>In corroboration with the local civic and historic societies, the Council will consider producing a list of historical shopfronts within the Borough that are of significance and should be afforded an appropriate level of protection.</p>
Wigston Civic Society	18 / 11 / 2018	<p>Paragraph 15.4 – St Wistans Church:</p> <p>The Church and church yard are currently closed because of the danger of the collapse of the building, apart from the document encouraging improvement of the churchyard there should be a statement about the council’s position on the repair of the building which will be encouraging to the church authorities in their deliberations on its future and a reopening of the churchyard for public use.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>It is not appropriate to set out the Council’s position in relation to the church and churchyard in question within this document, however the comment made will be referred to the appropriate department within the Council.</p>
Wigston Civic Society	18 / 11 / 2018	<p>Satellite dishes:</p> <p>There is reference to the prohibition of satellite dishes but this needs to be included in the section for each</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The single reference to satellite dishes and the potential for</p>

		<p>area.</p> <p>It is noted that the Conservation area Appraisal and Development Control Guidelines were updated in 2018 for each area. The Society was not consulted about this and considers that it should have been.</p>	<p>planning permission being required should Article 4 powers be introduced is part of a list of potential restrictions. For clarity the word 'would' is to be changed to 'could'.</p> <p>All Conservation Area Appraisals and Development Control Guidance documents are being updated by the Council. As these are evidence based documents the Council can update and amend on a regular basis to ensure that they are up to date. Once these documents have been updated they will be published on the Council's website.</p>
Wigston Civic Society	19 / 11 / 2018	<p>The SPD is mainly an update to the existing SPD from 2008, with some clarifications /improvement in wording. Although noted that: 'Design Access Statement' is still used throughout as before but should be 'Design <u>and</u> Access Statement'.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>Any references to 'Design Access Statement' within the document will be amended to 'Design and Access Statement'.</p>
Wigston Civic Society	19 / 11 / 2018	<p>It is noted that the phrase 'as well as conforming to other relevant planning policy' has been added in a number of sections.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p>
Wigston Civic Society	19 / 11 / 2018	<p>There could be confusion re. 'locally listed buildings' and 'significant local building' (e.g. 13.15, 14.6, 16.22) (it is assumed that these are the same lists)– do these refer to the list of locally significant buildings in the local</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>All references to 'significant local buildings' will be amended to 'locally listed buildings'. Such references refer to the list of</p>

		plan? (Appendix 3).	Locally Listed Buildings set out within the Local Plan.
Wigston Civic Society	19 / 11 / 2018	The previous SPD had a reference at the end of each conservation area section about grants and specialist advice available from Leicestershire County Council – has this reference now been withdrawn as it does not appear?	The Council acknowledges Wigston Civic Societies comment. As far as the Council is aware, the County Council no longer have grant funding for conservation projects, however expert advice is still available.
Wigston Civic Society	19 / 11 / 2018	Lack of formal notification about this consultation and others in accordance with Community Involvement Document.	The Council acknowledges Wigston Civic Societies comment. All consultations relating to planning policy documentation that the Council undertake are done so in conformity with the Council's adopted Statement of Community Involvement and relevant national legislation and regulations.
Wigston Civic Society	19 / 11 / 2018	Definition in 1.1 repeated in 1.6 Is reference to the Local Plan - the new draft Local Plan assuming it will soon be formally adopted?	The Council acknowledges Wigston Civic Societies comment. The definition set out within the two paragraphs are consistent, however relate to two different documents. The wording within the SPD, paragraph 1.6 has been amended to clarify this. In relation to any reference to 'Local Plan', it relates to the Councils adopted Local Plan at any given point in time.
Wigston Civic Society	19 / 11 / 2018	The consultation document says that the SPD must be read in conjunction with the relevant	The Council acknowledges Wigston Civic Societies comment.

		conservation area appraisals. On the website these are dated 2006-7 – are these still the relevant ones to refer to because new appraisals dated 2018 are referred to in the SPD.	The reference to the appraisals relates to the most up to date appraisals published by the Council.
Wigston Civic Society	19 / 11 / 2018	<p>Paragraph 8.17 – There is an interesting addition concerning the pavements along Newgate End. (An opportunity was lost some time ago to ensure that this ‘historic rural feel’ was enhanced by routes connecting this part, via historic rights of way to the surrounding countryside.)</p> <p>Patching of pavements is a problem in other conservation areas, eg Central Avenue, and it should be a requirement on utilities and councils to repair in similar materials to the existing.</p>	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The Council is committed to improving pavements within the entire Borough area, but specifically Conservation Areas. Further guidance relating to any reinstatement work involving pavements, will be contained within the Council’s Public Realm Supplementary Planning Document.</p>
Wigston Civic Society	19 / 11 / 2018	Paragraph 14.6 – Development of large /sensitive sites: the previous SPD mentioned about the preparation of planning briefs for such sites – this is not now proposed. Will further guidance be provided?	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The majority of the sites mentioned within the previous version of the Conservation Areas SPD have been developed. Some of those sites not developed have been allocated in the new Local Plan. Any other sites that are proposed for development within a Conservation Area will be considered on a case by case basis as part of the planning application process.</p>

Wigston Civic Society	19 / 11 / 2018	Paragraph 14.10 – Refers to conversion from retail to residential – and 14.14 conversion or single to multiple dwellings (as with other conservation areas) – ‘adequate standard’ and ‘satisfactory’ living accommodation. It would be helpful if these were defined in relation to minimum recommended space standards and access requirements / cross referenced to relevant planning policies.	The Council acknowledges Wigston Civic Societies comment. The SPD is a guidance document that supports the policies contained within the new Local Plan. Policy 11 in the new Local Plan states that all residential proposals for conversions, sub-division and / or changes of use must take into account the Government’s Technical Housing Standards. The SPD will be updated to reflect the wording set out within the new Local Plan.
Wigston Civic Society	19 / 11 / 2018	Paragraph 14.15 Shopfronts – the previous SPD referred to producing a shopfront design guide – presumably that didn’t happen and is it still intended to be done and if so it should be stated.	The Council acknowledges Wigston Civic Societies comment. There are currently no short term plans to produce a shopfront design guide, however alongside the potential production of a list of significant shop fronts it could well be considered appropriate to produce such.
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.5.16.6 – Repetition of the vast police and fire stations taking up a large area!	The Council acknowledges Wigston Civic Societies comment. The repetition within the two paragraphs mentioned has been removed.
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.8 – Protection of open space – the previous SPD at 16.7 had mentioned improvements by the local planning authority – will these happen, if not is there a lack of funding?	The Council acknowledges Wigston Civic Societies comment. The wording was amended from the previous SPD wording of ‘ <i>when funding is available</i> ’ to ‘ <i>as and</i>

			<p><i>when schemes are permitted'</i>. The change stemmed from the lack of funding options now available for such works.</p> <p>It should be noted that the Council has not changed its stance on encouraging improvements in the conservation area and will be as proactive as it can in such.</p>
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.9 – Interesting addition re. the Black Pad but looks like the council is no longer considering the purchase of plots as detailed in existing guidance.	The Council acknowledges Wigston Civic Societies comment.
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.10 – Maintenance should include adequate lighting – this is referred to in the new section on street furniture 16.32, hopefully maintenance of lamp posts includes the lights.	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>For clarity, the wording of paragraph 16.32 in the SPD has been amended to include lighting.</p>
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.13 and 16.14 – Changes of use comments as for 14.10 above.	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The SPD is a guidance document that supports the policies contained within the new Local Plan. Policy 11 in the new Local Plan states that all residential proposals for conversions, sub-division and / or changes of use must take into account the Government's Technical Housing Standards.</p>
Wigston Civic Society	19 / 11 / 2018	Paragraph 16.39 Reference to footpaths – could emphasise the Public rights of way and other historic routes.	<p>The Council acknowledges Wigston Civic Societies comment.</p> <p>The wording of paragraph 16.39</p>

			has been amended to reference the areas historic character.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>We understand the draft SPD seeks to build upon and provide more detailed guidance about policies contained within the Local Plan. It is being updated in line with updates to planning policy and legislation since its last respective review.</p> <p>We note that there are some places in this SPD where the guidance and requirements set out are more onerous than what is required from adopted local and national planning policies. The University seeks clarification on these parts of the guidance and its status with regards to the policy position and has commented on this where necessary.</p>	<p>The Council acknowledges Montagu Evans comment.</p> <p>The SPD adds further detail and guidance to the policies set out in the Council's new Local Plan.</p> <p>It should be noted that, although there is detail and guidance set out within the document, SPD do not form part of the development plan. SPD's however are a material consideration in the planning decision making process.</p>
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	Of particular relevance to the University is Part B of the SPD, specifically Chapter 13, which refers to the Oadby Hilltop / Meadowcourt Conservation Area, within which the Oadby Campus is located. We recognise that no changes are proposed to the boundary of the CA and there have been limited alterations to the previous version of this chapter.	The Council acknowledges Montagu Evans comment.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	Paragraph 2.5 refers to Conservation Area Consent. This no longer exists and we request	The Council acknowledges Montagu Evans comment.

		that this sentence is removed or reworded to reflect this.	Any references to national policy and / or legislation will be updated as appropriate. The Council is aware that the reference to Conservation Area Consent for demolition is out of date and will amend the SPD accordingly.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Paragraph 3.1 states that: <i>'Buildings situated within a Conservation Area, and / or buildings that are nationally Listed (including their outbuildings and lodges) and / or buildings that are Locally Listed have a general presumption against their demolition.'</i></p> <p>There is no 'general presumption' against the demolition of buildings in a Conservation Area nor against the demolition of locally listed buildings in planning policy or statute. The test for the effect of planning functions, including the demolition of a building, on the special interest of a Conservation Area is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The statutory provisions are interpreted in National Planning Policy Framework (NPPF) at Chapter 16, and which requires a balanced judgement to be applied in assessing the effects of development on the historic environment.</p>	<p>The Council acknowledges Montagu Evans comment, however, this paragraph is designed to support Policies 40 and 41 of the new Local Plan which seek the safeguarding of heritage assets.</p> <p>For clarity, the wording of set out within paragraph 3.1 of the SPD has been amended to directly reflect wording within the Council's new Local Plan, and will state <i>'Buildings situated within a Conservation Area, and / or buildings that are nationally Listed (including their outbuildings and lodges) and / or buildings that are Locally Listed have a general presumption in favour of retention and preservation'.</i></p>

		<p>Further, locally listed buildings are not protected in statue. The loss of a building of local interest should be assessed according to paragraph 197 of the NPPF which states that '<i>a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</i>'</p> <p>We therefore request that this paragraph is removed or reworded to reflect all of the above.</p>	
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Paragraph 3.2 sets out a number of bullet points which provide the circumstances in which the Council would approve the demolition of either statutorily listed, locally listed buildings or buildings in Conservation Area.</p> <p>Firstly, to make the guidance clearer, the bullet points should be separated out as to how they relate to designated and non-designated heritage assets.</p> <p>National policy required that justification for the demolition of non-designated assets should be proportionate to the significance of the asset. The bullet point requirements go beyond the requirements of national policy and the statutory provisions mentioned</p>	<p>The Council acknowledges Montagu Evans comment.</p> <p>Paragraph 3.2 has been amended to better reflect the wording set out within the Council's new Local Plan.</p>

		<p>above.</p> <p>Notwithstanding our comments on the above, in our view a consideration should be added to the list, which considers whether the contribution of the building to the Conservation Area is positive, negative or neutral, and how its removal would affect the Conservation Area.</p>	
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Within paragraph 3.4, in relation to our comments provided above on the demolition of buildings in a Conservation Area, we consider the following:</p> <p>Bullet point 1 should be removed. As set out in our representations above, provision should be made for the demolition of buildings that do make a positive contribution to the Conservation Area, provided the development as a whole meets the statutory tests and the requirements of national and local planning policy.</p> <p>Bullet point 3 should be changed to read:</p> <p><i>“the building is carefully dismantled so that the building materials can be salvaged for re-use or recycled”.</i></p>	<p>The Council acknowledges Montagu Evans comment.</p> <p>Paragraph 3.4 has been amended to better reflect the wording set out within the Council’s new Local Plan.</p>
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Within paragraph 13.5, we suggest that the end of this paragraph is amended to say “...and where it</p>	<p>The Council acknowledges Montagu Evans comment.</p>

		<i>can be demonstrated that the following have been considered”.</i>	However, it is considered that the wording addition proposed would dilute the current strength of the guidance and could increase the risk of inappropriate development in the future.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	Within paragraph 13.6, in terms of the change of use to non-residential, in our view, the Council needs to justify why they state that there is a presumption against the change of use from residential use to other uses. There needs to be a consideration as to whether the change of use from residential to different uses in some instances might be supported in other Local Plan policies.	The Council acknowledges Montagu Evans comment. There is a general presumption against change of use from residential however any proposal for change of use would need to conform to all relevant local and national policy. The wording of paragraph 13.6 has been amended accordingly.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	Paragraph 13.7 refers to the subdivision of plots, and in our view we consider it should be re-worded to state the following: <i>“...Any proposals for the sub-division of plots, infill, backland and / or tandem development, or loss of open space shall be considered on a case by case basis, subject to the overall effect on the Conservation Area and the public benefits or otherwise brought by the sub-division”.</i> In our view this amendment would make the statement more consistent with paragraph 13.14, which relates to open spaces and	The Council acknowledges Montagu Evans comment. The Council acknowledges Montague Evans suggested amendment and proposes to amend the wording to ‘Any proposals for the sub-division of plots, infill, backland and / or tandem development, or loss of open space will be considered on a case by case basis and must take account of all relevant local and national policy and guidance’. The Council is aware that planning decisions should be made on a case by case basis, thus the

		provides for this flexibility and more balanced assessment.	wording has been amended.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Paragraph 13.12 relates to trees and landscaping, and in our opinion should be amended to read as follows:</p> <p><i>“New buildings will not be permitted in close proximity to important trees, where the likely needs of future occupiers will lead to disfiguring pruning works to the detriment of the tree or its felling, unless it can be demonstrated that the new building will not have a detrimental impact on the tree”.</i></p>	<p>The Council acknowledges Montagu Evans comment.</p> <p>The Council proposes the following new wording <i>‘New buildings will not be permitted in close proximity to important trees, unless it can be robustly demonstrated that the new building will not have a detrimental impact on the tree’.</i></p>
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Within paragraph 13.15, the Council refers to the potential use of Article 4 Directions to control incremental changes to <i>‘Significant Local Buildings’</i>. Clarification is required on what constitutes a Significant Local Building, and whether this differs from Locally Listed Buildings.</p>	<p>The Council acknowledges Montagu Evans comment.</p> <p>All references to ‘significant local buildings’ will be amended to ‘locally listed buildings’. Such references refer to the list of Locally Listed Buildings set out within the Local Plan.</p>
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>The SPD identifies a number of further ‘Enhancement Opportunities’. We would suggest that the wording of the last bullet point is amended as follows:</p> <ul style="list-style-type: none"> • Support the role that the <i>Botanic Gardens play within the local area.</i> 	<p>The Council acknowledges Montagu Evans comment.</p> <p>However, it is not considered appropriate to amend the wording of the SPD due to the important role that the Botanic Gardens play within the Borough area.</p> <p>Working with the University of Leicester, the Council will seek to</p>

			further enhance the role that the Botanic Gardens play.
Montagu Evans on behalf of the University of Leicester	19 / 11 / 2018	<p>Generally we are supportive of the new draft Conservation Areas SPD. The comments and recommendations made are highlighted to provide clarity on the status of the document but also to allow flexibility, thus ensuring the overall objectives of the SPD are achievable.</p> <p>We trust that these comments are useful at this stage. By way of this letter we reserve the right to comment on further rounds of consultation on behalf of our client. We look forward to receiving details of this in due course.</p>	<p>The Council acknowledges Montagu Evans comments and thanks them for their support.</p> <p>The Council acknowledges Montagu Evans comment.</p>

Residential Development Supplementary Planning Document

Public Consultation Statement 2018

1 Introduction

- 1.1 This Public Consultation Statement (Statement) has been prepared in support of the Council's revised Residential Development Supplementary Planning Document (SPD) that was publically consulted upon between midday Monday 8th October 2018 and midday Monday 19th November 2018.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
 - The persons that the Council consulted during the abovementioned 6 week public consultation;
 - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
 - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets out a summary of all the comments that were received during the public consultation period and Council officer responses to each of these comments.

2 Public consultation period

- 2.1 A public consultation for the revised Residential Development SPD was undertaken by the Council during October and November 2018. The specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the Council's Statement of Community Involvement (SCI).
- 2.3 The SCI sets out the Council's approach / requirement to involving and consulting local people and stakeholders in planning related document production, for example SPD's.
- 2.4 In line with requirements, the following persons and bodies were notified via letter, of the consultation that was taking place;
- Duty to Cooperate partners
 - Specific Consultation bodies
 - General Consultation bodies, and
 - Other stakeholders held on the Local Plan consultation database.
- 2.5 The notification letter explained;
- The purpose of the consultation
 - How to find further information
 - The consultation period
 - How to make representations, and
 - How a person or body could be added to the Council's Local Plan consultation database.
- 2.6 In addition to the notification letter, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; made available for inspection hard copies of all relevant information and documentation at the Council's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

3 Summary of the main issues raised

3.1 A total of four persons / bodies submitted representations to the Council relating to the revised Residential Development SPD. Representations were received from Natural England, the Environment Agency, Severn Trent Water, and Sport England. In addition, internal Officer round table discussions highlighted a need for further guidance relating to the use of the housing technical space standards.

3.2 The key topics / main issues raised were:

- Neither Natural England, the Environment Agency, nor Severn Trent Water, suggested any changes to the SPD document as drafted, however Natural England did advise the Council to consider a number of potential issues relating to biodiversity, landscape, protected species and SEA / HRA.
- Sport England sought the reference of their 'Active Design' Guide within the SPD to ensure that the 10 key principles were taken account of during masterplanning and planning decision making processes.
- The Council considered that further guidance would be helpful relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant.

3.3 A full summary of the representations received and the Council's officer responses to each of the representations are attached in Appendix One.

4 How the issues raised have been addressed

- 4.1 There have been no amendments made to the revised SPD, relating to comments raised by Natural England, the Environment Agency, or Severn Trent Water. However, any standing advice produced by Natural England, where relevant, will be taken account of during the decision making process.
- 4.2 In response to the comments received by Sport England, further text has been added to the SPD document (paragraph 3.2) to reference the Sport England Active guidance, specifically its ten key principles.
- 4.3 Further text has been added to the SPD, relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant.
- 4.4 The additional text comprises two new paragraphs, 3.108 and 3.109. It is considered that the additional text adds clarity for both the applicant and the decision maker.

Appendix One – comments received during the consultation period and officer responses

Name of person / body submitting comment	Date on which comment was received	Nature of comment received	Officer response to comment received
Natural England	25 / 10 / 2018	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p>Biodiversity enhancement This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p>Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding</p>	<p>The Council acknowledges Natural England's comment.</p> <p>It is considered that applying a 'blanket' requirement across all new build residential developments, ie a ratio of one nest / roost box per residential unit, could be considered unduly onerous / unnecessary, without robust evidence suggesting a need to do so.</p> <p>It is considered that, in terms of biodiversity enhancement, the combination of; new Local Plan Policy 37 Biodiversity and Geodiversity; the NPPF, specifically paragraph 118; and, other related planning policy and guidance, empowers the decision maker sufficiently to make robust planning decisions on a case by case basis.</p> <p>Taking account of the above, the Council will not make any substantive amendments relating to biodiversity enhancements.</p> <p>As drafted, the SPD puts much emphasis on conserving and enhancing landscape and</p>

		<p>natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>Protected species Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If</p>	<p>character. In addition to this SPD, and specific planning policy set out within the new Local Plan, the Council has produced a Landscape Character Assessment for the entire Borough area. The Landscape Character Assessment plays an important role in the decision making process.</p> <p>Any standing advice produced by Natural England, where relevant, will be taken account of during the decision making process.</p> <p>In preparation of the Council's new Local Plan, both a Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken, in consultation with Natural England. In short, the outcome of both assessments was that there would not be any significant environmental effects. As the new Local Plan is the key overarching planning policy document for the Borough and the SPD only contains supplementary guidance, it is considered that there is no requirement to undertake any additional SEA and / or HRA assessment work for this SPD.</p>
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		your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.	
Sport England	31 / 10 / 2018	Sport England has previously raised our objective of embedding Active design into local plans but understand the reasons why you have concluded that it is not appropriate.	The Council acknowledges Sport England's comment.
Sport England	31 / 10 / 2018	Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments and as an aid to implementing health and well-being policies. The document can be downloaded via the following link: http://www.sportengland.org/facilities-	The Council acknowledges Sport England's comment and will seek to reference 'Active Design' were relevant within the revised Residential Development SPD. The Council will also seek to cross reference 'Active Design', this SPD and new Local Plan policy relating to high quality design and materials.

		planning/planning-for-sport/planning-tools-and-guidance/active-design/ Sport England believes that active design can still be referenced in the SPD with respect to implementing Local Plan Policy 6 – ensuring Health Communities.	
Severn Trent Water	12 / 11 / 2018	Thank you for the opportunity to comment on your consultation. We currently have no specific comments to make, but please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.	The Council acknowledges Severn Trent Waters comment.
Environment Agency	19 / 11 / 2018	We have no specific comments to make on the current submission however we do look forward to any further consultations from your Authority in your Plan Making process.	The Council acknowledges the Environment Agency's comment.
Further internal officer comments		Further guidance would be useful, under the Housing Choices and Housing Standards section of the SPD, relating to housing technical space standards and what is required from an applicant should the housing technical space standards be relevant to a planning application / planning proposal for development.	Further guidance has been added to the Housing Choices and Housing Standards section, setting out what is required from an planning application / planning proposal for development, when the housing technical space standards apply. This further guidance is contained within new paragraphs 3.108 and 3.109.

Agenda Item 15



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Housing Tenancy Agreement (April 2019)**

Report Author(s): **Steve Nash (Housing Services Manager)**

Purpose of Report:	This report gives Council the opportunity to consider a proposed replacement Housing Tenancy Agreement ("the new Agreement") for all of the Council's current and future tenants.
Report Summary:	The new Agreement has been produced by Officers and consulted upon.
Recommendation(s):	That the deployment of the new proposed Housing Tenancy Agreement (as set out at Appendix 1 to this report) in accordance with the Housing Act 1985 be approved.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Steve Nash (Housing Services Manager) (0116) 257 2662 steve.nash@oadby-wigston.gov.uk</p>
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
Vision and Values:	"A Strong Borough Together" (Vision) Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from the report.
Financial:	There are no implications directly arising from the report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	All Introductory and Secure Tenants were invited to comment.
Background Papers:	Housing Act 1985
Appendices:	<ol style="list-style-type: none"> 1. Housing Tenancy Agreement Proposed Full Text (April 2019) 2. Housing Tenancy Agreement Comparison Table (April 2019) 3. Housing Tenancy Agreement Initial EA Screening (March 2019)

1. New Housing Tenancy Agreement

1.1 The Service Delivery Committee approved a draft Tenancy Agreement for consultation in March 2018. The main changes contained within the new Agreement were:

- Introductory Tenancy; consequences of breaching the tenancy and discussion regarding extending tenancy/ending the tenancy;
- Rent; to pay rent monthly in advance if paying by standing order or Direct Debit;
- Use and occupation of property; the permission required and details needed for any potential lodger/s;
- Fire safety concerns; to support work being carried to keep tenants safe in flats and communal areas including issues around blocking and not restricting access and not removing doors i.e. kitchen doors;
- Environment; not to dump rubbish in communal areas. This supports our efforts to keep areas clear of rubbish;
- Environment; more details on ensuring gardens are maintained and dealing with any health and safety concerns;
- Pets; permission for pets required in flats and bungalows and the limit on how many pets allowed generally;
- Clarifying obligations in relation to repairs; permission to alter or improve the property; the principle of recharging for tenant damage, gaining access etc.; becoming responsible for non-standard items such as previous tenants improvements; and
- Anti-Social Behaviour; the extension of definitions to address new and emerging themes.

2. Consultation

2.1 Consultation was undertaken with all Introductory and Secure Tenants in December 2018.

2.2 All tenants received a hand delivered consultation pack which included a covering letter along with copies of the existing and proposed Agreements and a table of changes as attached at **Appendix 2**.

2.3 A webpage on the Council's website was set up covering Frequently Asked Questions and tenants were invited to contact the Housing Services Manager with comments.

2.4 No comments were received by the Housing Services Manager from tenants.

2.5 The only consultation response internally of note was from the Head of Law and Governance who requested the inclusion of wording around anti-social behaviour. The proposed new Agreement at **Appendix 1** has been amended to include the anti-social 'use' of illegal drugs and the specific mention of communal areas in addition to the actual home

and the general locality.

3. Next Stage

- 3.1 Upon receipt of Council approval, the next stage in the process is to serve a notice of variation alongside a copy of the new Agreement on all Introductory and Secure Tenants.
- 3.2 After a 4 week period, the new tenancy will become effective without the need for tenants to sign or return any documentation.
- 3.3 Any tenant objecting to the new Agreement is able to give 4-weeks contractual notice to end their tenancy.

Tenancy Agreement

Oadby & Wigston Borough Council
(Landlord)

NEW Proposed tenancy

Contents

Definitions

1. Introduction
2. False Statement
3. Payment of Rent and Charges
4. Use and Occupation of the Property
5. Access to the Property
6. Repairs and Maintenance
7. Insurance
8. Anti Social Behaviour
9. Unlawful Behaviour
10. Gardens
11. Boundaries, Paths and Driveways
12. Vehicles and Parking
13. Communal Areas
14. Keeping of Animals
15. Written Permission
16. Recharges
17. Ending Your Tenancy
18. Consultation and Information
19. Notices

NEW Proposed Tenancy

Definitions

In this Agreement, the following words have the meanings given below:

Animal/Pet: Includes bird, insect, reptile, spider, fish, livestock, cat, dog.

ASB: Anti Social Behaviour.

Assign/Assignment: Giving up the rights of a tenancy in favour of a qualifying family member or by way of mutual exchange.

Assignee: Person who is assigned a tenancy following Assignment

Communal Areas: Areas which tenants share with other tenants such as stairs, entrance halls including door entry systems, lifts, landings, balconies, access ways, paths, grassed open spaces, shared gardens or yards, parking areas, parking bays or hard standings.

Communal Aerial System: An aerial system provided and maintained by us for blocks containing more than four flats and sheltered schemes.

Demotion: A tool to combat Anti Social Behaviour which results in reduced rights and less security from eviction.

Employees: Includes any contractor, agent or anyone employed by us.

Fixtures: Includes, but is not limited to, kitchen units, bathrooms and sanitary ware.

Fittings: Includes, but is not limited to, plumbing systems, electrical circuits, sockets, switches, lamp holders, doors, locks and glazing.

Garden(s): Includes any plantings, hedges and/or trees or other land let to you as part of the Property.

Independent: Someone not affiliated with the Council or Tenant who can provide the necessary advice, such as the Citizens' Advice Bureau and Shelter Housing Advice Centres.

Improvement: Any alteration or addition to the Property.

Introductory Tenant: A Tenant who has an Introductory Tenancy under The Housing Act 1985.

Introductory Tenancy: A Tenancy which lasts for a trial period of up to 18 months. The Tenancy may then become a Secure Tenancy unless the Tenant has breached the Tenancy conditions.

Injunction: A Court Order requiring a Tenant or person to do, or refrain from, doing specific acts.

NEW Proposed Tenancy

Joint Tenant/Joint Tenancy/Joint Tenancies: Joint Tenants are responsible, jointly and individually, for the rent, service charges and obligations of the Tenancy

Lodger(s): A person who a Tenant allows to live in the Property, with or without payment.

Neighbours: Everyone living or working in the locality of a Tenant's Property.

Notice Seeking Possession: A legal document that is served prior to taking possession action (for Secure Tenants).

Notice of Possession Proceedings for Introductory Tenants (NOPPIT): A legal document that is served prior to taking possession action (for Introductory Tenants).

Notice Period: The period of notice required by either party to bring the Tenancy to an end. This is normally four weeks notice unless stated otherwise within the Agreement.

Notice to Terminate: A legal document that the Tenant must complete in order to bring the Tenancy to an end.

Order for Possession: A court order allowing the Landlord to legally evict the Tenant and regain possession of the Property.

Partners: Members of a couple in a relationship (including same gender relationships), who are living together.

The Property: The housing accommodation at the address specified on page 25 let to the Tenant under the Tenancy Agreement, including any garden, yard, outbuilding, garage, fence or wall also let with the housing accommodation owned by Oadby & Wigston Borough Council.

Relatives: Parents, children, grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, step relatives and adopted children.

Rent: The weekly or monthly charge payable by a Tenant to live in the Property.

Secure Tenant(s): A Tenant who has a Secure Tenancy under The Housing Act 1985.

Secure Tenancy: A Tenancy providing the Tenant some security of tenure which means that the Tenancy cannot be terminated without a court order.

Service Charge(s): Means charges for services provided to the Tenant by or on behalf of us as Your Landlord.

Sheltered Properties: Situated in a group setting and usually within the same accommodation building with communal facilities.

NEW Proposed Tenancy

Successor: Person who receives the tenancy following a succession.

Supported Properties: Properties designated as requiring an individual to have a support need, whether by age, physical or mental impairment.

Sublet: Giving another person(s) the exclusive right to live in part of the Property.

Tenant(s): The person(s) who signs the Tenancy Agreement and named at page 25.

Tenancy Agreement: This document contains the terms, conditions and obligations of the Tenancy.

Tenancy: Possession of land or property as a tenant of Oadby & Wigston Borough Council

Vacant Possession: The Property is unoccupied and empty of possessions.

Visitors: People not living with the Tenant but who come to the Tenant's Property.

Vehicle(s): A car, bus, lorry, motorbike, boat, caravan, motor home, trailer, scooter, motorised transport or similar.

Void: An empty Property.

We, Us or Our: Means the Landlord Oadby & Wigston Borough Council, who can be contacted at the Council Offices, Station Road, Wigston, LE18 2DR

Written Permission/Consent: A letter from us giving the Tenant permission in response to a request they have made. Any consent that is required will not be unreasonably withheld. If you are required to obtain consent under this Agreement, you may also need to obtain statutory consent from other organisations. Any consent given by us under this Agreement does not replace, constitute or take effect as that consent.

You: means the Tenant(s) and includes any successor or assignee,

Terms of Tenancy

1. Introduction to the Tenancy Agreement

1.1 This Agreement contains the terms, conditions and obligations of the Tenancy for you as the Tenant and us as your Landlord. You should read this Agreement carefully to ensure that you understand and accept its contents. If you do not understand any part of this Agreement we strongly recommend you ask for it to be explained to you before you sign it. You might consider consulting a solicitor, Citizens Advice or Housing Advice Centre before you proceed. By signing the Tenancy Agreement you are agreeing to become a Tenant of Oadby & Wigston Borough Council.

1.2 There are two kinds of tenancy contained in this Agreement:

- Introductory Tenancy
- Secure Tenancy

By signing this Agreement, you are entering into a legal contract with us and will become either an Introductory or Secure tenant. On your Tenancy Agreement we tell you whether your Tenancy is an Introductory or a Secure Tenancy. If you have an Introductory Tenancy, we also tell you within the Tenancy Agreement, the date it will become a Secure Tenancy.

Table A in Section 1.6 shows in brief the rights of Introductory and Secure Tenancies.

1.3 If you had a Secure Tenancy immediately before entering into this Tenancy Agreement you will remain a Secure Tenant. As a Secure Tenant you have the right to live in the Property (right to possession) so long as you comply with this Tenancy Agreement. We will not normally interfere with your right to possession unless the court grants us permission. A Notice of Seeking Possession/Demotion must be served on you before any legal action to end your Secure Tenancy can begin.

1.4 If you did not have a Secure Tenancy immediately before entering into this Tenancy Agreement you will be an Introductory Tenant. An Introductory Tenancy is a trial period of one year from the date of the Tenancy Agreement and you have fewer legal rights than a Secure Tenant. You must demonstrate to us that you are able to comply with your Tenancy Agreement. This includes, but is not limited to:

- Not behaving, or allowing any persons living in or visiting the Property to behave in an anti-social manner, including causing a nuisance or harassing others
- Paying your Rent on time
- Looking after the Property

NEW Proposed Tenancy

Unless we take action to end or extend your Introductory Tenancy, you will automatically become a Secure Tenant upon the expiry of your Introductory Tenancy shown on your Tenancy Agreement.

- 1.5 If you breach your Tenancy Agreement we may either extend your Introductory Tenancy by up to six months or take legal action to evict you. Legal action to evict you may mean you incur legal costs which you will be liable for. You can ask us to review our decision to end or extend your Introductory Tenancy. If we apply to the court to end your Introductory Tenancy, the court will grant the Order for Possession providing we have followed the proper procedure.
- 1.6 If you have signed this Tenancy Agreement with someone else you are a Joint Tenant. In Joint Tenancies each Tenant is jointly and individually responsible for the Tenancy. If one Tenant leaves the Property both Tenants are still responsible for abiding by this Tenancy. Your rights and responsibilities cannot be split or shared between you. If one of you ends this Tenancy it has the effect of ending the Tenancy for each of the Joint Tenants.

Table A

Legal rights of Tenants	Secure Tenants	Introductory Tenants
Right to succession of spouse/civil partner	Yes	Yes
Right to succession of family members	No	No
Right to Repair (Regulations)	Yes	Yes
Right to be consulted on housing management issues	Yes	Yes
Right to Assign to those with succession rights	Yes	Yes
Right to Buy	Yes in most cases	No
Right to take in lodgers	Yes	No
Right to sub-let	Yes with written permission	No
Right to improve	Yes with written permission	No
Right to Mutual Exchange	Yes	No

- 1.7 Your Tenancy starts on the date set out in this Agreement. It continues until you or we end it.
- 1.8 As long as you pay your rent and you comply with the Tenancy Agreement, we will not normally ask the court for an Order for Possession. However, there may be occasions where possession of the Property is required by us, for example, when we need to move you to a new home if the Property is to be demolished. In these situations you will be given assistance by us to help you

NEW Proposed Tenancy

relocate and we will be subject to relevant notice periods regarding obtaining possession.

- 1.9 If you have difficulty keeping to your Tenancy Agreement, you must contact us as soon as possible. We can then provide you with support, advice or help to sort out any problems you may be experiencing. This may avoid us having to take legal action against you.
- 1.10 You must occupy the Property as your only or principal home. If you acquire another property you must continue to live in the Property subject to this Tenancy Agreement otherwise we may ask the court for an Order for Possession.
- 1.11 We are committed to the prevention and detection of fraud and participate in data monitoring exercises for this purpose. We advise you that the data held by us in respect of your Tenancy will be used for cross-system and cross-authority comparison purposes for the prevention and detection of fraud. We may also share your data with others as permitted in law, including utility providers.

2. False Statement

- 2.1 If you or someone acting on your behalf has made a statement in an application for housing accommodation which you:
 - Knew was false; or
 - Thought could be false; or
 - Contained information which deceived us in allocating you this Tenancy

We may take legal action to regain possession of the Property.

3. Payment of Rent and Charges

- 3.1 You must pay your rent, together with any service charges due, in advance on Monday of each week. If you pay your rent by Direct Debit or Standing Order these payments must also be paid in advance.
- 3.2 You must pay the Rent, including service charges for any period of less than a week at the start or end of this Agreement, at a daily rate equivalent to the Rent payable for one week, divided by 7.
- 3.3 You must not withhold rent or any service charges for any reason.
- 3.4 You must pay any debt outstanding from any tenancy in full e.g. unpaid rent, tenancy charges, and charges for damage to the Property.
- 3.5 If you are Joint Tenants, you are each responsible for the rent and service charges, both jointly and separately. This means that we can recover arrears

NEW Proposed Tenancy

from you jointly, or each of you individually until the full amount outstanding is cleared.

- 3.6 If you have any difficulty paying your rent or service charges, you, or someone acting on your behalf, must contact us immediately.
- 3.7 If you do not pay your rent, rent arrears or service charges we may take court proceedings to evict you from the Property. These proceedings may incur additional charges such as legal fees and court costs which will then be added to your rent account.
- 3.8 We may vary the amount of rent or service charges you have to pay. You will be notified in writing of any such variation four weeks before any change takes effect.
- 3.9 If you wish to pay your rent fortnightly or monthly, you should agree this with us and permission will only be granted if you pay in advance to avoid recovery action being taken against you.
- 3.10 We may incur costs associated with pursuing you for any debt accrued by you. Unless the court orders otherwise, you must pay our reasonable legal costs and expenses properly incurred in enforcing this debt.
- 3.11 You remain liable for rent and service charges during your notice period. Your liability for rent remains until your Tenancy legally ends.
- 3.12 Your rent is subject to an annual review which may result in a change to the amount that we charge you for living at the Property.

4. Use and Occupation of the Property

- 4.1 You must use and occupy the Property as your only or main home. Where the Tenancy is a Joint Tenancy, at least one of you must occupy the Property as your only or principal home.
- 4.2 You must tell us if you are going to be away from the Property for more than a month and ensure that we are advised of a contact address and a nominated key holder/caretaker in case of an emergency.
- 4.3 You may take in lodgers as long as you are a secure tenant and the Property does not become overcrowded as a result. However, you must get our prior written permission before you take in lodgers. You must also provide details of their name, date of birth, gender, National Insurance Number, former address and details of the rooms that they will occupy.
- 4.4 You must not, without our prior written permission, sublet part of your Property. You cannot sublet the whole of the Property as you will no longer be a secure tenant.

NEW Proposed Tenancy

- 4.5 You may have the right to assign the tenancy to a qualifying successor. However, there are statutory criteria which apply to any assignment and our consent is required. Permission may be refused if, but not limited to:
- You have rent arrears
 - We are considering or have started possession proceedings based on rent arrears, unacceptable behaviour or condition of the Property
 - The person you wish to assign the tenancy to is not financially secure as determined by us
 - The Property has been adapted and the person being assigned the tenancy does not require the adaptations
- 4.6 You must not run a business from the Property which may affect nearby residents or your neighbours without obtaining our prior written permission. Prior to granting any such permission we will consider various factors including but not limited to, planning issues, the amount of noise generated, nuisance likely to be caused to your neighbours and whether damage to the Property may occur. An inspection of the Property may also take place before full permission is granted.
- 4.7 You must not place or exhibit any notice board or notice visible from outside the Property advertising any profession, trade or business or any goods or services without our prior written permission.
- 4.8 You or anyone living with you must not keep or use bottled gas, paraffin, petrol or any other dangerous material in any part of the Property which includes, but is not limited to, any of the Communal Areas, outbuildings and Gardens. It also includes any other area owned by us, except where necessary for normal domestic purposes, for medical purposes or where the equipment has been prescribed by a registered medical practitioner. You must not keep large amounts of these substances on the Property and the substances must be stored appropriately and safely at all times.
- 4.9 You must not use paraffin or petrol heaters, or liquid or bottled gas heaters, in the Property without our prior written consent.
- 4.10 You or anyone living with you must not use as bedroom accommodation, any room where an open flued gas appliance is installed.
- 4.11 You must notify us of any permanent changes in occupation to the tenancy including, but not limited to:
- A new baby arriving
 - A new partner arriving
 - Persons previously occupying the Property and leaving the Property for whatever reason including the death of an individual
- 4.12 You must not intentionally overcrowd the Property.

5. Access to the Property

- 5.1 You or anyone living with you must allow us, our employees and any other authorised person's safe access to the Property. We will provide you with at least 24 hours notice in writing, (except in an emergency - see condition 5.4) setting out the reason we require access and the date and time of our visit.
- 5.2 We may require access to the Property for various reasons, including but not limited to:
- Inspecting the condition of the Property including pre-termination tenancy inspection
 - Carrying out repairs
 - Undertaking improvements
 - Servicing checking and/or maintaining equipment within the Property in line with regulations and legislation
 - Facilitating any of the above to any adjoining premises e.g. party walls, flats, roofs etc
- 5.3 We will give you at least 24 hours written notice if we intend to enter the Property, unless we believe that there is an immediate risk to the health or wellbeing of any person, or a substantial risk of serious damage to any property.
- 5.4 In an emergency we may require immediate access to the Property without prior notice. In the event that such access is necessary and the property is unoccupied or access is denied, we may use reasonable force to gain entry to the Property. We will take reasonable steps to contact your nominated key holder in your absence, will leave the Property secure and advise where the keys are held.
- 5.5 Examples of emergencies include, but are not limited to:
- Fire
 - Flood
 - Gas leaks
 - Threat or risk of personal injury
 - Threat or risk to the structure of our property
 - Unsafe heating appliances or electrics
 - Suspicion of any of the above
- 5.6 Where access is denied to the Property and we deem it necessary to gain access, we may apply for a court order to allow us legal rights to access. We may then recover the costs of securing access from you. Further to this we will not be responsible for reinstating any alterations or additions removed, altered or damaged as a result of Our access to the Property.

6. Repairs and Maintenance

- 6.1 On the day that you move into your Property you must check the entire Property and note any repairs that require our attention. If there are any repairs that are our responsibility to put right, please notify Oadby & Wigston Borough Council, Council Offices, Station Road, Wigston, LE18 2DR within seven days of moving in.
- 6.2 During your Tenancy you must inform us promptly if any repairs (or other matters that we are responsible for carrying out) come to your notice. This will enable us to arrange an inspection and/or for the repair to be carried out.
- 6.3 You must keep the inside of the Property in a clean and tidy condition, free from excessive accumulation of belongings or rubbish that could cause a health and safety or fire risk to you or anyone else and must not allow the condition of the Property to deteriorate.
- 6.4 The Property must be kept in at least as good a condition as it was at the start of this Agreement, or after any improvements, but subject to reasonable wear and tear.
- 6.5 All rooms must have clear access and exit routes at all times.
- 6.6 You or anyone living at or visiting the Property must ensure that you are able to evacuate the Property in the event of a fire or other emergency situation.
- 6.7 You must ensure that any fire or smoke detection equipment installed in the Property is working correctly. This means that you must test the fire or smoke alarms regularly and replace the batteries where necessary. If a fire or smoke alarm fitted by us is not working correctly, you must notify us promptly.
- 6.8 You must not do anything that might reduce the fire safety at the Property or in any Communal Areas or common parts. This includes (but is not limited to):
- Removing or damaging any fire detection devices
 - Removing, altering or damaging any structures that provide fire separation (such as doors and walls)
 - Interfering with or damaging any installations for the supply of electricity, gas or any other service
 - Removing or damaging any instructions relating to fire safety procedures
 - Blocking, restricting or otherwise reducing any escape routes.
- 6.9 You must inform us immediately of any damage, however it has occurred, to the Property, fixtures and/or fittings for which we are responsible.
- 6.10 Damage includes any damage whether caused intentionally or accidentally or as a result of negligence, recklessness or neglect.

NEW Proposed Tenancy

- 6.11 You and anyone living in or visiting the Property (including animals) must not damage or destroy the following (including but not exhaustive):
- The internal and external structure of the Property - including any glazing, internal walls, floors or ceilings
 - The fittings for the supply of gas, water and electricity
 - Bathroom and toilet fittings
 - Room heating systems
 - Water heating systems
 - Kitchen units and fittings
 - Internal fixtures and fittings for example doors, internal glazing and smoke alarms
 - Sheds, garages, fencing, patios, paths, any part of the garden area, open plan space or communal walkways
 - Any other installed element which the Property benefits from
- 6.12 You are responsible for carrying out certain small repairs and replacing certain items of fixtures and fittings. These are listed in your Tenants Handbook.
- 6.13 You are responsible for the repair, maintenance and replacement of any TV aerial serving the Property, except where it is provided via a Communal Aerial System.
- 6.14 You are responsible for repairing any damage to any part of the Property caused by the deliberate or careless actions or omissions of yourself, or of anyone living with you or visiting you (including animals).
- 6.15 If damage has occurred to the Property we may serve a notice on you requiring you to put it right. If you do not comply with the notice we may enter the Property and undertake any necessary work to make good the damage. You will be recharged for these works in accordance with our Rechargeable Works Policy.
- 6.16 You are responsible for repairing and maintaining any alterations or improvements which you have carried out to the Property.
- 6.17 Where such alterations and improvements have come to the end of economical useful life we may put these back to our standard specification.
- 6.18 If you make any improvements, alterations or additions to the Property without our prior written consent we may tell you to return the Property back to the condition preceding the works being undertaken. If you fail to do so we may carry out the work and charge the costs we have incurred in doing so (including any administrative costs) to you.

7. Insurance

NEW Proposed Tenancy

- 7.1 You should consider obtaining insurance for accidental damage, contents and your belongings. We will only insure the structure and fabric of the Property.

Please refer to the Tenants Handbook in reference to what we are insured for

- 7.2 In situations where we carry out repairs which are not our responsibility we may recharge you the cost of doing so. For example, if you accidentally nail through a pipe, we can carry out the necessary repairs and recharge the cost to you which. This may include but is not limited to costs related to consequential damage and administrative charges.
- 7.3 It is your responsibility to ensure that repairs which you are responsible for are carried out. If you have your own private buildings insurance that covers accidental damage you may be able to reclaim the cost of this work.
- 7.4 A separate recharges section is included in this Tenancy Agreement. See section 16.

8. Anti-Social Behaviour

- 8.1 You are responsible for your own behaviour and for that of anyone living with you, whether permanently or temporarily, or visiting you, including but not limited to relatives, animals and visitors.

- 8.2 You, relatives or anyone living with you, your animals and your visitors must not cause, or act in a way which is likely to cause, nuisance, annoyance or disturbance to people living, visiting or working in the locality of the Property. Examples of nuisance, annoyance or disturbance include but are not limited to:

- Foul and abusive language
- Loud music
- Shouting, arguing, door slamming
- Dog barking and fouling
- Offensive drunkenness
- Urinating in public
- Playing ball games close to somebody else's home
- Causing damage or neglecting the Property
- Lighting excessive fires or burning of toxic materials at the Property
- Fly tipping

“People working in the locality of the Property” includes:

- Our employees, contractors and other people engaged in lawful activity in the area e.g. postal workers.

NEW Proposed Tenancy

8.3 You, relatives or anybody living with you, your animals and your visitors must not cause or act in a way which is likely to cause people living, visiting or working in the locality of the Property to feel harassed, abused or threatened.

“Harassment” includes but is not limited to:

- Violence or threats of violence towards any person including our employees, agents or contractors
- abuse or threats towards our employees, agents or contractors including but not limited to:

Abusive or insulting words or behaviour including that sent via email, social networking sites and mobile phones

Damaging or threatening to damage another person’s property or home

Writing threatening remarks or insulting graffiti

- Interference with the peace or comfort of any other person because of a person’s sexuality, gender, gender reassignment, colour, race, age, nationality, ethnic or racial origins, disability, religion, marital status or because they have HIV/AIDS
- Must not inflict domestic violence or threaten violence against any other person including the use of mental, emotional or sexual abuse to anyone

8.4 You, relatives or anyone living with you, and your visitors must not make false or malicious complaints about the behaviour of another person.

8.5 You, your relatives or anyone living with you, animals, and your visitors, must not cause or act in a way which is likely to cause damage to the Property, dump rubbish on or misuse Communal Areas, corridors, stairwells, shared entrances, play areas or anywhere else including any other property, or land owned by Us.

8.6 Any items found may be removed without further notice, particularly if deemed to be a health and safety risk such as flammable items, trip hazards or if they are blocking exits.

8.7 You, your relatives or anyone living with you, and your visitors must comply with the law on smoke free premises. By smoking in smoke free premises you are deemed to be breaking the law.

8.8 You must make sure that you do not allow, incite or encourage other people living with you, relatives or visitors to the Property to engage in behaviour as described in the conditions 8.2 - 8.7 above.

NEW Proposed Tenancy

- 8.9 The housing department's Anti Social Behaviour Policy includes details of what the Housing Department considers Anti Social Behaviour. We will rely on the conditions above and/or the Anti Social Behaviour Policy when looking to enforce the conditions of this Tenancy Agreement should we believe you have engaged in Anti Social Behaviour.

9. Unlawful behaviour

- 9.1 You, your relatives and visitors must not do, threaten to do, incite or encourage others to do anything illegal or unlawful in the Property, Communal Area or in the locality. Examples of such unlawful behaviour include (but are not limited to):
- Selling or conspiring to sell, possessing, using, storing, manufacturing or cultivating illegal drugs or other illegal substances
 - Storing, handling or selling stolen goods
 - Selling or supplying alcohol without the appropriate licence or permission or in breach of that licence or permission
 - Selling or supplying illicit tobacco or cigarettes
 - Keeping illegal or unlicensed firearms or weapons
- 9.2 You must not steal anything from the Property, Gardens, Communal Areas, common parts or from any land or property owned or previously owned by us or from any land or building in the locality.

10. Gardens

- 10.1 You must keep your Garden area (if any) well maintained at all times. You are responsible for the upkeep of all parts of your Garden. This includes, but is not restricted to grass, trees, plants, bushes and hedges.
- The grass must be cut regularly and must not become overgrown
 - The Garden must be weeded regularly
 - No waste or rubbish should be stored in the Garden or outbuildings
 - Hedges/bushes/trees/plants must be cut and maintained to a reasonable height in keeping with local planning regulations
 - Occasional bonfires to dispose of Garden waste are permitted but complaints will be investigated. The bonfire must be situated at a safe distance from buildings, fences, hedges and anything flammable and supervised by a responsible adult.
- 10.2 If you do not carry out the necessary Garden maintenance, and the Garden causes an eyesore or causes a health and safety risk, we may serve a notice on you requiring you to put your Garden in the condition required by condition 10.1 or require you to do anything reasonably required to remedy the breach. The notice shall specify the time or times within which the work required to be done in the notice must be completed. If the work is not completed within the specified time or times, We may enter the Property and undertake the

NEW Proposed Tenancy

necessary work and recharge reasonable costs (including any administration costs) to you.

A health and safety risk may for example include, overhanging branches, hedges encroaching onto the highway, waste and rubbish that could provide food or harbourage for vermin or pests.

- 10.3 You must not have any plant in your Garden that causes a nuisance or annoyance to your Neighbours, other people in the locality or us. This includes (but is not limited to) plants that may spread uncontrollably, plants that may spread onto the path or road or plants with root systems that could cause damage to the Property or neighbouring properties.
- 10.4 You must not plant any tree or plant on the Property which may grow to a height of more than two metres without prior written consent from us. Consent would not be unreasonably withheld.
- 10.5 You, relatives or anyone living with you, and your visitors must keep any communal garden area outside of the Property, clean, tidy and free from rubbish or furniture at all times.
- 10.6 You must share the use of any driveway which gives access to the Property and any adjoining property with the occupiers of the adjoining property.
- 10.7 You must not fence off or enclose any part of the driveway without our prior written consent.

11. Boundaries, Paths and Driveways

- 11.1 You will be required to obtain permission from us to install or remove fencing, walls, paths, hedges or driveways and the work will be pre and post inspected at our discretion.
- 11.2 The maintenance of any fencing, walls, paths, hedges or driveways installed by You will be Your responsibility.
- 11.3 We will maintain any fencing, walls, paths or driveways installed by the council or present at the time your tenancy commenced. Usually this will be through a planned programme of works over a number of years unless there are specific health and safety concerns. The type and timing of the work will be at our discretion and removal of fencing, walls, hedges or driveways will also be considered, where repair is not economical.
- 11.4 The maintenance of any hedgerow or tree(s) which define or mark the boundary will be Your responsibility.

12. Vehicles and Parking

NEW Proposed Tenancy

12.1 You, anyone living with you or visiting you must not do any of the following:

- Park a vehicle anywhere on the Property unless the Property has a garage, parking space or a driveway which is a hardstanding with a dropped kerb.
- Allow anyone, other than your relatives, visitors and/or friends to park at the property.
- Park any vehicle which is untaxed, illegal, is not roadworthy or is in disrepair on any land belonging to us. If you do, the vehicle must have a valid SORN and you must have our permission to park on our land.
- Store a Caravan or Motorhome on the Property without our written consent
- Allow a Caravan or Motorhome to be used as living quarters whilst it is on the Property
- Build a parking space, garage or driveway (hardstanding) without our written permission.
- Drive across a kerb to access the Property unless the kerb has been dropped in accordance with the regulations of the Highway Authority. You must have written permission from us and the Highway Authority to adapt a pavement so a vehicle can cross it.
- Drive or park any vehicle over any grassed or landscaped area
- Park any vehicle on a designated area set aside for emergency vehicles or park in any area which causes an obstruction or would block access for emergency vehicles or refuse collection vehicle.
- Double park vehicles or park in a way which causes obstructions to pedestrians or other road users.
- Carry out any vehicle repairs or maintenance, except minor maintenance on your own vehicle or to any vehicle on the Property, Communal Areas, Gardens, driveways or roads in the neighbourhood without prior written consent being given by Us.
- Use any Garden or driveway to the Property to store, load or unload vehicles, store scrap metal or break up vehicles for spare parts.
- Cause nuisance to Neighbours or damage to pathways, driveways and parking spaces through leakages or spillages from vehicles.
- Have a motor-related business from the Property or receive payment for repairing any vehicle at the Property.

NEW Proposed Tenancy

- Store any moped, motorbike or machinery having a petrochemical engine inside the Property or in Communal Areas.

12.2 Your vehicle must be less than 2 metres high (6 foot 6”), less than 1.83 metres wide (6’) and less than 4.8 metres long (16 feet). If you wish to park a bigger vehicle you must have prior written permission from us to do so.

13. Use of Communal Areas

13.1 You, anyone living with you or visiting you must abide by the following:

- Share the use of Communal Areas with other tenants. You must not cultivate, fence off or restrict access to any parts of the Communal Areas without prior written consent from Us.
- Not build, construct or place any building or other structure in the Communal Areas without our prior written consent.
- Not leave waste or other items in the Communal Areas (except in designated bins or other appropriate receptacles).

Not to cause nuisance, annoyance or disturbance in the Communal Areas. This includes (but is not limited to):

- Allowing your pet, or that of a relative or visitor, to foul the Communal Areas without clearing it up immediately.
- Allowing your pet, or that of a relative or visitor, to cause a nuisance, annoyance or disturbance.
- Play ball games.
- Noisy, abusive or intimidating behaviour.
- The consumption of alcohol when this behaviour becomes a nuisance to others.
- Inappropriate sexual behaviour.
- Causing damage to the Communal Areas.

13.2 If you are in breach of any of the conditions listed at 13.1 we may charge you the cost of repairing, reinstating or cleaning the Communal Areas or otherwise remedying your breach and recover these costs from you.

14. Keeping of Animals

14.1 If you live in a house or bungalow, you have our consent to keep the following animals without our written permission:

- One domestic dog; and/or
- One domestic cat; and/or
- One domestic caged bird; and/or
- Fish kept in an aquarium indoors; and /or

NEW Proposed Tenancy

- Small caged pets for example, gerbil, hamster or rabbit.

The size of the aquarium or cage must not exceed 1.83 metres in width (6'), 0.61 metres in depth (2') in depth and 1.22 metres (4') in height without our written permission.

No other type of pet or animal, including livestock may be kept without our prior written permission which will not be unreasonably withheld or delayed.

- 14.2 If you live in a house or bungalow and wish to keep any pet, animal or livestock, other than or in addition to those detailed in condition 14.1, you must obtain our prior written permission.
- 14.3 If you live in a flat or in Sheltered Properties, which has a communal entrance, you or anyone living with you may not keep a pet without our prior written permission.
- 14.4 You are responsible for the control of any pets/animal(s) which belong to you or anyone living with you.
- 14.5 You must not keep a pet/ animal in a communal area.
- 14.6 You must not breed pets/animals for commercial purposes at the Property.
- 14.7 You must not build any animal enclosures without prior written consent from us, in any part of the Property.
- 14.8 You must not board animals on a commercial basis without prior written consent from us.
- 14.9 If feeding wild animals or birds from your property, communal areas, outbuildings, gardens or from any part of the land belonging to us, you must do so responsibly, in a manner which does not attract vermin or cause a nuisance to your neighbours.
- 14.10 You must make sure that no animal you keep at the Property (or that you are responsible for) causes nuisance or annoyance to anyone:

Examples of nuisance include but are not limited to:

- Allowing your pet/animal to persistently foul in an inappropriate place
- Failing to clean up fouling in a timely manner
- Barking
- Creating a foul smell
- Not being kept under control
- Creating any type of danger or health hazard
- Encroaching onto other peoples gardens

NEW Proposed Tenancy

14.11 You, your relatives or your visitors or anyone living with you must not leave any pet/animal unattended for more than 24 hours either inside or outside of the Property.

14.12 Any permission obtained from us for you to keep a pet/animal may be withdrawn if your pet/animal creates a nuisance.

14.13 You must make sure that no pet/animal kept at the Property causes any damage:

- To the Property;
- To a Communal Area
- In the locality
- To any land owned by Us

You will be held liable should any damage be caused,

14.14 You are responsible for putting right any damage attributable to your pets, or those pets/animals you are responsible for.

14.15 You, your relatives or anyone else living with you, and your visitors must ensure that no pets/animals kept at the Property prevents our employees, or any other authorised person's from gaining access to the Property.

14.16 You must not keep any animals prohibited by law within the Property. All legislation relating to Pet ownership must be adhered to.

15. Alterations to the Property

15.1 You must obtain our prior written permission before making any alteration or addition to the Property

15.2 Permission may not be unreasonably withheld by us.

15.3 The list of structure erections, alterations and improvements include, but is not limited to:

- Building an extension
- Removing internal walls
- Changing the use of a room e.g. a living room to a bedroom
- Adding, changing or replacing fixtures and fittings: eg: kitchen, bathrooms
- Installing a water meter
- Decorating the exterior of the Property
- Altering or tampering with gas, electricity or water supplies
- Erecting an aerial or satellite dish
- Building a structure e.g. car port, garage, hard standing driveway or shed
- Creating ponds and/or carrying out major landscaping
- Removing any tree, hedge or boundary fence or wall

NEW Proposed Tenancy

- 15.4 When deciding whether it is reasonable to grant written permission we will consider a range of factors including but not limited to the impact of the alteration or improvement on the surrounding properties.
- 15.5 Any consent given by us may be subject to any reasonable conditions including (but not limited to):
- That work must be undertaken by a properly qualified person registered with the appropriate regulatory body
 - That you have obtained all necessary consents and approvals for the works
 - That you are responsible for maintaining the alteration or addition including complying with any statutory or other requirements related to the alteration or addition
 - That you may be required to remove the alteration or addition and reinstate the Property at the end of this Tenancy or when required to do so by us
 - That we will not be liable to you or any other person for any loss, damage or other harm arising from the alteration or addition
- 15.6 We may serve a notice on you requiring you to remove any unauthorised alterations or additions. An alteration or addition is unauthorised if it is undertaken without prior written consent or if it is not completed in accordance with the terms of the consent.
- 15.7 You must repair any damage resulting from the construction or removal of the alteration or addition. If you do not comply with the notice, then we may undertake necessary work to remove the alteration or addition and you will be liable to pay our reasonable cost of the work.

16. Recharges

- 16.1 We reserve the right to charge you for the following (not exhaustive) :
- Repairing any damage to the Property or Garden or Communal Area
 - Repair and/or replacement of damaged Fixtures and Fittings
 - Costs incurred by us as a result of breach by you of conditions in relation to this agreement
 - Costs incurred as a result of maintaining your Garden
- 16.2 We are entitled, and you agree to, the deduction of any reasonable costs associated with the above at condition 16.1 from any monies held by us lawfully due to you.

17. Ending Your Tenancy

- 17.1 You must provide us with four weeks' notice, in writing, before you leave the Property and end your Tenancy.

NEW Proposed Tenancy

- 17.2 You will be liable for payment of Rent during the four weeks' notice period.
- 17.3 When you move out of the Property you must:
- Provide us with vacant possession of the Property when your Tenancy ends.
 - Pay all Rent and Service Charges up to the date of the end of your Tenancy. If you owe Us money for Rent or Service Charges when you leave the Property, you must make arrangements to pay the debt
 - Reinstate any unauthorised alterations to the Property or any authorised alterations that are subject to the condition that they are reinstated at the end of this Agreement
 - Ensure that you record a final meter reading for your utilities and notify all of your suppliers of that reading and of your departure
 - Remove all of your furniture, personal belongings and rubbish from the Property
 - Return all the keys to the Property to our offices, or as directed at the time of submitting your written notice to end your Tenancy. This must be done by 12 noon on the date agreed by us. If you do not return the keys by the agreed date, you will be responsible for additional rent.
 - Advise us of your new address
 - Make sure that all household members, Lodgers, Subtenant and Animals leave the Property at the same time as you.
- 17.4 If you return the keys to the Property to us or you vacate the Property without giving written notice to end your Tenancy, we will treat this as a lawful surrender of your Tenancy and an end to this Agreement, once four weeks have elapsed. You will be charged rent during this four week period and we will hold the keys on your behalf. During this four week period we reserve the right to enter the property to carry out repair and maintenance works and/or undertake security works we deem appropriate. You may access the Property during this period with our prior permission which we will not unreasonably withhold.
- 17.5 The Property (including the Garden, outbuildings and loft space) must be left in a clean and tidy condition. You must clear and dispose of all your personal belongings, furniture and personal effects including rubbish from the Property.
- 17.6 You must make good any damage to the Property before ending your Tenancy. Any alterations or additions that have been carried out to the Property by you, anyone living with you or visiting you, without our written permission, must also be returned to their original state prior to ending your Tenancy.
- 17.7 We will remove, store and if not collected within one calendar month, sell or otherwise dispose of, any furniture, goods or personal items which you fail to remove from the Property at the end of your Tenancy either on surrender of the Property by abandonment, court order or termination by you. At any time, once the Property has been vacated, we will immediately remove and dispose of any perishable goods or waste products that we consider would be

NEW Proposed Tenancy

unreasonable to store as stated above. This includes such items as food, rubbish, domestic waste and goods damaged beyond economical repair. You will be responsible for all reasonable costs which we may incur in collection, storage and/or disposal of the above.

- 17.8 Unless required by law we will not be responsible for any damage or loss of goods/belongings stored by us under 17.7 above.

18. Consultation and Information

18.1 Right to Consultation

You have the right in law to be consulted in respect of certain matters which relate to your Tenancy including significant changes to this Agreement. This is explained in more detail in the Tenants Handbook.

18.2 Right to Information

We must provide you with a copy of your Tenancy Agreement. We publish our policies and procedures which you may see, together with a range of other information booklets on our website www.oadby-wigston.gov.uk. These are available in hard copy upon request. The Data Protection Act 1998 provides you with the right to request information regarding your housing records. The Freedom of Information Act 2000, makes additional information available to you.

19. Notices

- 19.1 We may serve any notice on you at the Property by putting the notice through the letterbox, by fixing the notice to the Property, by leaving the notice with somebody for you at the Property or by sending the notice by post to the Property. This is in addition to serving the notice on you in person.

- 19.2 If you wish to serve any notice in connection with legal proceedings it should be served on your Landlord at:

Oadby & Wigston Borough Council, Council Offices, Station Road,
Wigston, LE18 2DR

- 19.3 For all other notices e.g. Notice to Terminate your Tenancy or requests for permission, please contact the Housing Management team in writing at the above address or email customerservices@oadby-wigston.gov.uk or by using the appropriate e-form online.

Tenancy Agreement

This is a legal contract which sets out the terms and obligations of the Tenancy. You should read it carefully to ensure that you understand each of the terms and obligations.

If you do not understand this Agreement you are advised to ask for it to be explained to you before signing. You may consider consulting a solicitor, Citizens Advice Bureau or Housing Advice Centre to assist or advise you.

This Tenancy Agreement made between Oadby & Wigston Borough Council
and

Tenant one _____(Print name)

Tenant two _____(Print name)

Type of tenancy:

NEW Proposed Tenancy

The address of the Property is:

House number: _____

Street _____

Town _____

County _____

Postcode _____

Start date of tenancy: []

Rent £

Service Charge £

Insurance £

Heating £

Total £

Introductory Tenancies only

Possible start date of Secure Tenancy:
(Based on key received date and subject to any order for extension)

Fixed Term Tenancies only

Date that Fixed Term Tenancy will come to an end:

Please note that these amounts are correct at the start of your Tenancy and the amounts may change.

You will be given prior written notice of the new rent charges.

Date keys received:

Type of Property: House Flat Bungalow Studio Maisonette
Detached Semi Terraced

Number of bedrooms:

Garden: None Front Rear Side

If You sign this Agreement, it means You accept the Agreement as binding.

NEW Proposed Tenancy

I/We agree to accept the Tenancy of the above Property on the terms and conditions set out in this Agreement a copy of which I/We have received, read and understood.

Tenant one _____ Signature

Tenant two _____ Signature

Signed on behalf of The Landlord

Full Name _____ Print Name

_____ Signature

Position _____

Tenant Photographs



Succession

[For office use only]

Name of Successor:

Date of Succession:

I am aware there is only one succession, to one individual allowed in law and that no further successions may take place in relation to this Tenancy.

I agree to accept the Tenancy of the above Property on the terms and conditions set out in this Agreement a copy of which I have received, read and understood.

Successor:

Print full Name:

Signed:

Dated:

NEW Proposed Tenancy

Signed on behalf of the Landlord:

Full Name:

Signed:

Position:

NEW Proposed tenancy

Tenancy Agreement Preliminary Notice of Variation

How we have structured this Preliminary Notice of Variation

Comparing the current tenancy agreement with the draft tenancy agreement on a section by section, line by line, word by word basis would have been very difficult because the draft tenancy agreement is in a different format.

To help you understand the key proposed variations we have listed them on pages 2 to 6 where:

☐ **The left hand column comprises the heading within the current tenancy agreement.**

☐ **The middle column provides the proposed variation**

Table of Changes

☐ The right hand column side provides the reasons why we are proposing the variations.

As there are new descriptive sections which did not feature in the current tenancy agreement we have identified those clearly as being new sections in the left hand column.

Table of Changes

Current tenancy agreement section	Proposed tenancy agreement section	Amended terms & conditions
Additional Section Added	Contents and Definitions	We have added a content and definitions page(s). We have amended the order of the content and split the document into 19 sections.
1. Introductory Tenancies	1. Introduction to the Tenancy Agreement	Current agreement contains one long section explaining introductory and secure tenancies. In the proposed agreement we have split this section into 11 sub sections making it clearer and easier to understand. Section - 1.1 explains the reason for a tenancy. 1.2 states the two kinds of tenancies contained in this agreement. 1.3 is on Secure tenancy. 1.4 explains Introductory tenancy. 1.5 explanation of what happens if you breach your agreement. 1.6 explanation of being a joint tenant. Table A is added showing the difference in legal rights between the two tenancies. 1.8 information added in requiring Order of possession. 1.9 added in proposed agreement. 1.10 this information is under section 3.3 in the current agreement. 1.11 regarding fraud, added to proposed agreement to bring agreement up to date with current policies.
Additional Section Added	2. False statement	Section 1 added in proposed agreement to bring agreement up to date with current legislations.
1.1a – 1.1d Payment for the premises 1.3 Service of Notices 3.2 Rent	3. Payment of Rent and Charges	Proposed agreement contains more details and explanations regarding rental payment and tenant’s responsibilities in relation to charges. We have divided this section into 12 sub sections to clarify each point. Sections 3.2, 3.3, 3.4, 3.6, 3.7, 3.9, 3.10 & 3.11 added into proposed agreement to bring agreement up to date with current policies and practices. Section 3.5 added to provide clarity for joint tenants on rental payments. Section 3.8 and 3.12 in proposed tenancy reworded from section 1.3 in current tenancy. Section 3.2 in current agreement moved to 3.1 in proposed agreement, wording amended.
3.3 Use of Premises 3.15 Overcrowding 3.16 Lodgers and sub-letting 3.18 Absence from premises 2.7 Succession to spouse	4. Use and Occupation of the property	We have absorbed section 3.3, 3.15, 3.16, 3.18 and 2.7 into section 4 of the proposed tenancy and removed some of the unnecessary wording to make it simpler to understand. 4.7 added clause about notice boards. 4.8, 4.9 & 4.10 added clause on dangerous material due to health and safety concerns. 4.11 added clause to ensure our records are kept up-to-date.
3.15 Access	5. Access to the property	We have moved 3.15 and merged 2.2(b-d) and 3.12 to section 5 of the proposed tenancy

Table of Changes

2.2(b-d) Tenant's right to occupy 3.12 Access		and added more information about reasons in which we may require access to the property and information on emergency access.
2.3 Repair of structure and exterior 2.4 Repair of installations 2.5 Repair of common parts 2.6 External decoration 3.9 Damage 3.10 Reporting disrepair 3.11 Improvement	6. Repairs and Maintenance	We have absorbed 2.2 (a-d), 2.3(a-i), 2.4(a-d) and 2.5 into section 6 of the proposed tenancy. We have added more detailed information with regards to the tenant's responsibilities to make the agreement clearer and in line with current policies and procedures. We have spilt this section into 18 subsections. Added clause 6.1. Section 6.2, 6.9 & 6.10 of the proposed tenancy amended and reworded from section 3.10 of the current tenancy. Section 6.4, 6.16 and 6.18 of the proposed tenancy amended and reworded from section 11 of the current tenancy with clause 6.17 added for information. Section 6.12 and 6.14 of the proposed tenancy amended and reworded from section 9 of the current tenancy. Added clause 6.3, 6.5, 6.6, 6.7 and 6.8 added due to health, safety and fire concerns. Section 6.11 of the proposed tenancy amended from section 3.2(a-i) of the current tenancy. Clause 6.13 added to clarify maintenance of TV aerial. Clause 6.15 added to clarify council policy on damages.
3.25 Insurance	7. Insurance	We have re-worded this section to include information on the type of insurance the tenant requires – section 7.1, information on the repairs possibility of recharge – section 7.2 and 7.3.
3.5 Nuisance 3.6 Racial and other harassment 3.7 Noise	8. Anti- Social Behaviour	This section currently contains several sub sections which we have absorbed under one heading 'anti-social behaviour' to make it easier for you to locate the information. The proposed agreement provides more detailed information on what we consider as anti-social behaviour and breaches to your tenancy agreement. We have done this to make the agreement clearer, to clarify your responsibilities and bring it up to date with current legislation and our policies. Section 8.1 & 8.2 re-worded from section 3.5 in current agreement. Examples of nuisance added to section 8.2 to provide more clarity. Section 8.3 replaces section 3.6 in current agreement; we have expanded the wording in this clause and added bullet points to make it easier to read. We have also added domestic violence and the use of mental, emotional and sexual abuse as a form of harassment. Added clause 8.4 regarding false or malicious complaints. Clause 8.5 added regarding behaviours which can cause damage to the property and surrounding areas. Clauses 8.6 & 8.7 added due to health & safety concerns. Section 7 in currently agreement removed as included in a bullet point of section 8.2 of proposed tenancy.
3.22 Criminal activity	9. Unlawful behaviour	We have removed the two headings on the current tenancy and replaced it with 'Unlawful

Table of Changes

3.23 Drugs		behaviour'. We have simplified and updated this section using bullet points and removed some of the explanatory information.
3.17 Gardens	10. Garden	We felt this section needed to contain greater detailed information to the tenant to inform them of their duties and responsibilities. Section 10.1 we have added bullet points to highlight responsibility for the upkeep of gardens. Section 10.2 clause added to include action we could take against your tenancy. Sections 10.3 to 10.07, we have added information regarding height of plants, plants should not cause a nuisance, information on upkeep of communal garden and the use of shared driveways.
Additional Section Added	11. Boundaries, Path and Driveways	We have added this section into the proposed agreement to provide clarity on fences, pathway and drives. Section 11.1 clause added to provide information and bring the tenancy up-to-date with current policy on obtaining permission for any works carried out. Paragraph 11.2 added for information. Section 11.3 clause added with information on maintenance of fencing, walls, path and driveways.
3.13 Roadways 3.24 Vehicle repairs/ business	12. Vehicles and Parking	We have expanded this section to give greater information on vehicles and parking. We have included bullet points to clarify use of driveways, caravan/motorhome, parking on kerbs or grassed/landscaped areas and designated areas. We have included clauses on parking untaxed/illegal vehicles, building parking spaces/drives without permission, causing obstructions, nuisance or damage, having a motor-related business and storing within communal areas.
Additional Section Added	13. Use of Communal Areas	We have added this section into the proposed agreement to clarify the use of communal areas and inform tenants of their responsibility. We have included bullets points, added some wording about sharing the use of communal areas, not to leave waste & items in communal areas and not to cause nuisance or disturbances within communal areas. Also included a clause on recharge.
3.8 Pets	14. Keeping of Animals	We felt we needed to include greater information on keeping pet/animals within your property. Section 14.1 & 14.2 explains the type and quantity of animal you can keep with or without prior permission in the house or bungalow and section 14.3 for flats. Section 14.4 to 14.8 explains your responsibilities for pets/animals and what you must not do. Section 14.9 clause added regarding feeding wild animals/birds responsibly. Section 14.10 gives examples of what we would consider as nuisance caused by your animal/pet. Section 14.11 clause added to state pet/animals should be left unattended in property only for a certain length of time. Section 14.12 clause added to remove permission if pet/animal is causing a nuisance. Section 14.13 & 14.14 clause added regarding pet/animal must not

Table of Changes

		cause any damage to property or surrounding area and should they do, it is the tenant's responsibility to make good these damages. Section 14.15 clause added to state pet/animals must not prevent authorised person's from gaining access into the property. Section 14.16 clause added regarding prohibited animal.
3.11 Improvements	15. Alterations to the property	We have expanded this section to give greater information on alternations, erections and improvements. Section 15.3 gives examples of what we would term as an alteration. Section 15.4 and 15.5 provides information on factors impacting on any consent given. Section 15.6 & 15.7 clause added that we may serve notice on and/or remove any unauthorised alterations.
Additional Section Added	16. Recharges	We have added this section into the proposed agreement to provide information on our recharge policy giving examples on what we may recharge you for.
3.19 Ending the tenancy 3.20 Moving out	17. Ending your tenancy	We have expanded and reworded this section in the proposed tenancy. It now includes clause 17.2 informing the tenant they are liable for the rent during the 4 weeks' notice period. In Section 17.3 we have used bullet points to update clause 3.20 in the current tenancy to reference what you must do when you vacate the property. We have included paying off any arrears, taking a meter reading, handing keys back on the agreed date, advise us of your forwarding address and ensuring all household members and animals leave the property. Clause 17.4 added to bring the tenancy up to date with current policy reflecting our process should keys be handed back without notice. Amendments in clause 17.5 and 17.6 includes garden, outbuilding and loft space and making good any damage/alternations within the property before ending your tenancy. Clause 17.6 & 17.7 added to inform the tenant of the legal processes regarding goods left in the property.
4. The tenant's rights	18. Consultation and Information	We have removed section 4.1, 4.2, 4.5, 4.6, 4.7 from the proposed tenancy agreement as these have been moved to the associated sections within the tenancy agreement therefore does not need to be duplicated. No rights are lost. We have kept 18.1 Right to consultation and 18.2 Right to Information and shortened the clause to keep it current.
Additional Section Added	19. Notices	We have added a new section in the proposed agreement giving information on our policy for serving a notice.



Oadby & Wigston
BOROUGH COUNCIL

EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function:		This is new
Housing Tenancy Agreement (April 2019)	X	This is a change to an existing policy
		This is an existing policy, Function, not previously assessed
		This is an existing policy/function for review

Date of screening	27 March 2019
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1. Briefly describe its aims & objectives

A revised Housing Tenancy Agreement is proposed with specific changes including the provisions around Introductory Tenancies, Rent payments, use and occupation of the property, fire safety, environmental issues, pets, repairs and anti-social behaviour

2. Are there external considerations?

e.g. Legislation/government directive etc

None

3. Who are the stakeholders and what are their interests?

All Introductory and Secure Tenants

4. What outcomes do we want to achieve and for whom?

Clarify and further explain important principles for the better management of Council housing.

5. Has any consultation/research been carried out?

Consultation was carried out internally to the Council and with all existing tenants (apart from non-secure tenants accommodated under homelessness provisions). Minor amendment received from Head of Law and Governance. No responses from tenants.

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

None as the provisions generally deal with anti-social behaviour ranging from deliberate damage of the property through to drug misuse. Hence no reasonable person could object to clarification of clauses and general improvements relating to how anti-social behaviour is dealt with.

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Neutral
Race (including Gypsy & Traveller)	Neutral
Age	Neutral
Gender Reassignment	Neutral
Sex	Neutral
Sexual Orientation	Neutral
Religion/Belief	Neutral

Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Neutral

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

None identified

9. Are there any human rights implications?

Yes/No (If yes, please explain)

No

10. Is there an opportunity to promote equality and/or good community relations?

Yes/No (If yes, how will this be done?)

No

11. If you have indicated a negative impact for any group is that impact legal?

i.e. not discriminatory under anti-discrimination legislation

Not applicable.

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

No

13. Is a Part 2 full Equality Assessment required?

No

14. Date by which a Part 2 full Equality Assessment is to be completed with actions.

Not applicable.

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required*** (please delete as appropriate).

Completed by: Steve Nash Date: 27/03/19
(Policy/Function/Report written)

Countersigned by: Adrian Thorpe Date: 27/03/19
(*Head of Service*)

Please forward an electronic copy to: veronika.quintyne@oadby-wigston.gov.uk
(*Community Engagement Officer*)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



Full Council	Tuesday, 16 April 2019	Matter for Information
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Report Title: **Member Conduct Update (April 2019)**

Report Author(s): **Steve Tucker (Democratic & Electoral Services
Manager / Deputy Monitoring Officer)**

Purpose of Report:	To inform the Council of the outcome of a Determination Sub-Committee meeting held on Wednesday 20 February 2019, which adjudicated on an alleged breach of the Member Code of Conduct by Councillor Ravendra H Thakor ("Cllr Thakor").
Report Summary:	Cllr Thakor was found to have breached the Member Code of Conduct and sanctions were imposed, as set out in the report, by the Determination Sub-Committee.
Recommendation(s):	That the contents of the report and appendix be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Anne Court (Chief Executive) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Steven Tucker (Democratic & Electoral Services Manager) (0116) 257 2605 steven.tucker@oadby-wigston.gov.uk</p>
Corporate Objectives:	Not applicable.
Vision and Values:	Accountability (V1) Respect (V2)
Report Implications:-	
Legal:	The implications are as set out in the report.
Financial:	There are no implications arising directly from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Agenda (Exempt) and Minutes from the Hearing of the Assessment Sub-Committee held on 29 November 2018 Agenda and Minutes from the Hearing of the Determination Sub-Committee held on 20 February 2019 Common Code of Conduct for Leicestershire
Appendices:	1. Formal Letter of Censure (22 February 2019)

1. Background

- 1.1 On 29 November 2018, an Assessment Sub-Committee convened to consider an allegation that Cllr Thakor may have breached the Member Code of Conduct by sending an email to Ms Veronika Quintyne, the Community Engagement Officer, in September 2018 which contained a number of derogatory and disrespectful comments towards the Chair of Oadby Residents Forum, a number of Liberal Democrat Councillors, and Ms Quintyne herself.
- 1.2 Having considered the information before them, the Assessment Sub-Committee were satisfied that Councillor Thakor's actions represented a prima facie breach of the Code of Conduct, and resolved that the matter should be referred to a Determination Sub-Committee for adjudication. The Assessment Sub-Committee also resolved however that if Councillor Thakor were to issue a satisfactory written apology for his actions before the date on which the Determination Sub-Committee was scheduled to meet, the Determination Sub-Committee hearing would be cancelled.
- 1.3 In light of Cllr Thakor's failure to issue a written apology by the required deadline, a Determination Sub-Committee was convened on 20 February 2019 to adjudicate on the alleged breach.

2. Determination Sub-Committee

- 2.1 The Determination Sub-Committee, consisting of Councillors Mrs L M Broadley (Chair), E R Barr and R F Eaton, gave consideration to the Deputy Monitoring Officer's report and the advice of the appointed Independent Person. Councillor Thakor failed to attend the hearing and did not offer any representations.
- 2.2 The Sub-Committee unanimously agreed that the complaint regarding Councillor Thakor's alleged breach of the Code of Conduct should be upheld. Specifically, it was found that the derogatory comments made by Councillor Thakor towards fellow Councillors were in breach of Rule 3.1 of the Code, which requires that "you must treat others with respect and strive to establish respectful and courteous relationships with everyone you come into contact with as a Member".
- 2.3 In addition, the Sub-Committee found that Councillor Thakor had made unreasonable demands towards Ms Quintyne which demonstrated a lack of respect and understanding in regards to her role in providing impartial administrative support to Oadby Residents Forum, thus breaching Rule 3.2.4 of the Code, which requires that "you must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on

behalf of, the Authority”.

- 2.4 To appropriately address the breaches of the Code, the Sub-Committee unanimously resolved to apply the following sanctions:
- (i) A formal letter of Censure be sent to Cllr Thakor;
 - (ii) The findings of the Sub-Committee be reported to Full Council and published on the Council’s website;
 - (iii) Cllr Thakor be excluded from Council premises other than Council meeting rooms when necessary for the attendance at Council/Committee meetings;
 - (iv) Cllr Thakor’s entitlement to a Council-supplied iPad be withdrawn;
 - (v) A recommendation be made that Cllr Thakor should not attend Oadby Residents Forum, until such time as a satisfactory apology has been made to the Chair and Ms Quintyne; and
 - (vi) The Leader of the Oadby & Wigston Conservative Group be informed that the Sub-Committee recommend that Cllr Thakor be removed from Committees.
- 2.5 A formal letter of Censure from Councillor Broadley, as Chair of the Sub-Committee, was posted to Cllr Thakor on Friday 22 February 2019. The letter has been published on the Council’s website as part of the agenda pack for this meeting and is attached at **Appendix 1** to this report. The letter was also copied to the Oadby & Wigston Conservative Group Leader, Councillor B Dave.
- 2.6 Cllr Thakor’s Council iPad has been recovered by Democratic Services, whilst the findings of the Determination Sub-Committee have been published on the Council’s website within the minutes of the meeting.
- 2.7 Cllr Thakor is currently long-term absent and has sent apologies for all Committees until further notice. It has also been confirmed that he will not be seeking re-election after his current term of office expires in May 2019. On that basis, the recommendation of the Sub-Committee that Cllr Thakor be removed from Committees cannot be implemented.

Appendix 1



Oadby & Wigston

BOROUGH COUNCIL

Cllr Ravendra H Thakor
22 Pennine Close
Oadby
Leicester
LE2 4TB

Please ask for: David Gill
Email: david.gill@oadby-wigston.gov.uk
Telephone: 0116 257 2626
Ref: Code of Conduct
Date: Friday 22 February 2019

Dear Cllr Thakor,

I write on behalf of the Council in my capacity as Chair of the Determination Sub-Committee that met on Wednesday 20 February 2019 to consider an allegation that you breached the Code of Conduct in sending an email to Ms Veronika Quintyne in September 2018 which contained a number of derogatory and disrespectful comments towards the Chair of Oadby Residents Forum, a number of Liberal Democrat Councillors, and Ms Quintyne herself.

The Sub-Committee (Cllr E R Barr, Cllr R F Eaton and I) unanimously agreed with the view expressed by the Independent Person that your choice of language in this email crossed the line of acceptability. Whilst within a political environment there is legitimate scope for fair comment and criticism of the behaviour of others, the derogatory nature of your comments brought your office, your political party and the Authority into disrepute. The Sub-Committee therefore unanimously agreed that a range of sanctions should be imposed against you, one of those being that you should receive a letter of censure from the Council.

The Sub-Committee's view was that, not for the first time during your time in office, your conduct was unacceptable, unwarranted and entirely unjustified and constituted a clear and serious breach of the Code of Conduct. The Sub-Committee felt strongly that you have repeatedly failed to demonstrate any willingness to improve your conduct, despite having been sanctioned under the Code on two previous occasions.

The Sub-Committee considered that your non-attendance at the hearing and general lack of engagement with the standards process demonstrated a distinct lack of accountability and moral and ethical principles on your part. It remains incumbent on the Council to ensure that such conduct is not tolerated and should be addressed through the strongest possible sanctions. Indeed, the Sub-Committee expressed disappointment that more punitive sanctions were not available under the current standards regime, as it was felt that only the potential for stronger sanctions would be likely to encourage a significant change in your behaviour.

The seriousness of this breach was further compounded by your continued failure to apologise to Cllr Darr and Ms Quintyne at the request of the Monitoring Officer, despite the opportunity this afforded you to resolve the matter swiftly and informally. This demonstrates further evidence of

your lack of respect towards Officers and your contemptuous attitude towards the Code of Conduct and the Monitoring Officer's role in upholding its integrity.

The Sub-Committee unanimously agreed that given your clear lack of recognition and remorse for the impact that your actions have caused, you should be excluded from Council premises other than Council meeting rooms where your attendance is necessary for attendance at meetings, and your Council iPad entitlement is to be withdrawn. It is my understanding that when Mr Ball, an Officer of the Council, telephoned you immediately after the hearing to inform you that you would no longer be entitled to the supply of a Council iPad you were due to collect, you offered a foul-mouthed response, which again illustrates the lack of respect the Sub-Committee identified you have towards Officers, and further vindicates the choice of sanctions the Sub-Committee agreed to impose.

In addition to the above sanctions, it is recommended that you should not attend any further meetings of Oadby Residents Forum until such time as you have apologised to Councillor Darr and Ms Quintyne, and that your group leader should be informed that in the view of the Sub-Committee, you should be removed once again from Committees. It is a matter for your group leader to determine if this recommendation is accepted.

The Sub-Committee hope that in the event you seek re-election in May 2019 and are successful, your next term of office will show that you have learned from the impact that your actions have had on the Authority, Ms Quintyne and your fellow Members, and you will moderate your future conduct appropriately.

Finally, in accordance with the Committee's wishes, the findings of the Sub-Committee will be published on the Council's website and reported to Full Council on 16 April 2019.

Yours sincerely,

Councillor Mrs L M Broadley
Chair of Determination Sub-Committee

Cc:

Councillor E R Barr
Councillor R F Eaton